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THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume I, 1939

(3rd February to 15th February, 1939)

NINTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1939



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1939

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M89LAD

Legislative Assembly.

President :

THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I.

Deputy President :

MR. AKHIL CHANDRA DATTA, M.L.A.

Panel of Chairmen :

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DR. SIR ZIAUDDIN AHMAD, C.I.E., M.L.A.

SIR COWASJI JEHangIR, BART., K.C.I.E., O.B.E., M.L.A.

MR. A. AIKMAN, C.I.E., M.L.A.

Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistants of the Secretary :

MR. M. N. KAUL, BAR.-AT-LAW.

RAI BAHADUR D. DUTT (*Upto 31st March, 1939*).

KHAN SAHIB S. G. HASNAIN, B.A. (*From 10th April, 1939*).

Marshal :

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

Committee on Petitions :

MR. AKHIL CHANDRA DATTA, M.L.A., *Chairman*.

MR. A. AIKMAN, C.I.E., M.L.A.

MR. M. S. ANEY, M.L.A.

SYED GHULAM BHIK NAIRANG, M.L.A.

MR. N. M. JOSHI, M.L.A.

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THE
LEGISLATIVE ASSEMBLY DEBATES.

(OFFICIAL REPORT OF THE NINTH SESSION OF THE FIFTH
LEGISLATIVE ASSEMBLY.)

VOLUME I—1939.

LEGISLATIVE ASSEMBLY.

Friday, 3rd February, 1939.

The Assembly met in the Assembly Chamber of the Council House in New Delhi, at Eleven of the Clock, being the First Day of the Ninth Session of the Fifth Legislative Assembly, pursuant to Section 63-D (2) of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, Mr. President (The Honourable Sir Abdur Rahim, K.C.S.I.) was in the Chair.

MEMBERS SWORN.

Sir Syed Raza Ali, C.B.E., M.L.A. (Cities of the United Provinces. Muhammadan Urban);
Shams-ul-Ulema Kamaluddin Ahmed, M.L.A. (Nominated Non-Official);
Mr. L. C. Buss, M.L.A. (Nominated Non-Official);
Mr. Gurnath Venkatesh Bewoor, C.I.E., M.L.A. (Director General, Posts and Telegraphs);
Mr. Noel James Roughton, C.S.I., C.I.E., M.L.A. (Government of India: Nominated Official);
Mr. Stanley Paul Chambers, M.L.A. (Government of India: Nominated Official); and
Mr. Cecil James Wingate Lillie, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

LEVY OF A POLL-TAX ON FOREIGNERS IN FRENCH INDIA.

1. *Mr. T. S. Avinashilingam Chettiar: Will the Secretary for External Affairs state:

(a) whether the Government of French India have levied a poll-tax of ten rupees on all foreigners in French India including British Indians;

- (b) whether it affects mainly British Indians, because of the numerous number of British Indians in the French concessions;
- (c) how many Indians have been affected by this tax; and
- (d) whether Government have taken any action in the matter and, if so, what?

Sir Aubrey Metcalfe: (a), (b), (c), and (d). The Government of India understand that the Government of the French Settlements in India had proposed to levy a poll-tax upon all foreigners resident in those Settlements. The latest information is, however, to the effect that the imposition of this tax has been postponed.

Mr. T. S. Avinashilingam Chettiar: May I know whether, pending the postponement, the Government of India are addressing that Government pointing out that such a poll-tax is bound to work hardship on British Indians resident there?

Sir Aubrey Metcalfe: It would not be proper for me to explain exactly what action was taken, but I think I can say that the action which the Government of India did take contributed towards the result.

Mr. S. Satyamurti: May I know whether Government have any information as to the period for which the levy of this tax has been postponed?

Sir Aubrey Metcalfe: We obviously cannot have any information about that, because it depends upon the French Government.

Mr. Lalchand Navalrai: May I know if such a tax was ever levied before in the French territory?

Sir Aubrey Metcalfe: Not so far as I am aware.

Mr. Lalchand Navalrai: Will the Government of India be consulted again if this tax is proposed to be levied again?

Sir Aubrey Metcalfe: It is not usual for one Government to consult another Government regarding their legislation.

Mr. T. S. Avinashilingam Chettiar: May I know when Government expect to know the final decision in this matter?

Sir Aubrey Metcalfe: We obviously cannot expect to know anything, because it depends upon the French Government, and not upon the Government of India.

RAILWAY REVENUES.

2. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Railways state:

- (a) the latest figures for the receipt of Railway Revenues,
- (b) whether the fall in the Customs revenues has affected the Railway revenues, and if so, to what extent; and

(c) whether a deficit is expected for the year, and if so, what is the extent of the deficit expected?

The Honourable Sir Thomas Stewart: (a), (b) and (c). I shall be presenting to the House, in the near future, the revised estimates of railway revenue and expenditure for 1938-39, and I would request the Honourable Member to await my statement on that occasion.

Mr. S. Satyamurti: May I know whether the Honourable Member's attention has been drawn to a statement which has appeared this morning saying that the railway receipts are better to the extent of 3½ crores? May I know whether that statement was issued with the authority of the Railway Board or the Government?

The Honourable Sir Thomas Stewart: No, Sir. My attention has not been drawn to such a statement; but if it represented the truth, no one would be happier than myself.

Seth Govind Das: Is it a fact that there has been some increment in the railway revenues?

The Honourable Sir Thomas Stewart: I would request the Honourable Member to await my Budget Statement.

REPORT OF THE COMMITTEE ON XB ENGINES.

3. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Railway Member state—

(a) whether he has received the report of the committee appointed to go into the matter of the XB engines;

(b) whether Government have considered the report; and

(c) whether the report will be published?

The Honourable Sir Thomas Stewart: (a) No.

(b) Does not arise.

(c) I would refer the Honourable Member to the reply given to his question No. 1550 on the 29th November, 1938.

Mr. T. S. Avinashilingam Chettiar: May I know when they expect to receive the report?

The Honourable Sir Thomas Stewart: I can give no estimate of the time within which it will be received.

Mr. T. S. Avinashilingam Chettiar: May I know whether, pending the final report, the Committee have recommended any measures to be taken?

The Honourable Sir Thomas Stewart: No, Sir.

Mr. Lalchand Navalrai: May I know whether, pending this report or, pending the inquiry, these XB engines have stopped working?

The Honourable Sir Thomas Stewart: I have said on several occasions on the floor of this House that XB engines are still working.

Mr. Lalchand Navalrai: In view of the fact that so many accidents are happening on the railway, may I know why they have not been stopped?

Mr. K. Ahmed: In view of the fact that there is a recrudescence of these accidents for some reason or other best known to the Honourable Member, so that the lives of the travelling public and of the Members of the Legislature coming here to attend meetings of the Legislature are not safe, do Government propose to seek to find out ways and means of bringing safety to the passenger public and thereby remove the grievances of the travelling public?

Mr. President (The Honourable Sir Abdur Rahim): This is too general a question. It may be discussed on a proper occasion.

Mr. S. Satyamurti: May I know what the reasons are for the delay in the submission of this report?

The Honourable Sir Thomas Stewart: The reasons are certainly not within my control. I cannot inform the Honourable Member.

Mr. K. Ahmed: Do Government propose to expedite the matter of this report as early as possible—because the lives of the people are not safe, while they are sitting tight without bringing out what the truth is? Will they find out whether the people who are called reactionaries are at the bottom of the thing, or is it the Government servants, who are dismissed, taking advantage of the situation?

Mr. President (The Honourable Sir Abdur Rahim): That is a small speech.

EXPULSION OF TWO INDIAN JOURNALISTS FROM FRANCE.

1. ***Sardar Mangal Singh:** Will the Foreign Secretary please state:

- (a) whether it is a fact that Messrs. Kabadi and Gandhi, the Indian journalists, were expelled from France in December last;
- (b) whether Government have made any representation to His Majesty's Government regarding this affair;
- (c) whether His Majesty's Government took any action thereon and with what results; and
- (d) whether the ban against the entry of these Indian journalists still exists, or whether it has since been removed?

Sir Aubrey Metcalfe: (a), (b), (c) and (d). The Government of India have no information. His Majesty's Government have been addressed in the matter and their reply is awaited.

Sardar Mangal Singh: When did the Government of India ask for the information?

Sir Aubrey Metcalfe: Immediately after that incident happened, and I regret to say that, so far, I have not received any information which we are at liberty to publish.

Sardar Mangal Singh: Have the Government of India not sent reminders?

Sir Aubrey Metcalfe: I have sent several telegrams and letters during the last few days, but I regret to say that no final reply has yet been received.

Mr. M. S. Aney: The Honourable Member has said that he has not received information which he is at liberty to publish. Does he mean that he has received some information, but he is not at liberty to publish?

Sir Aubrey Metcalfe: I have not said that I have received any information: I have said that I have received no information which I am at liberty to publish.

Mr. M. S. Aney: That is, the Honourable Member has received some information which he is not entitled to publish. Is that the meaning?

Sir Aubrey Metcalfe: That is an inference which the Honourable Member can draw if he wishes.

Mr. Lalchand Navalrai: How long ago was that?

Sir Aubrey Metcalfe: In December last.

Mr. M. Thirumala Rao: Did the Government of India take the action on their own initiative or at the instance of a Provincial Government?

Sir Aubrey Metcalfe: I took it partly on questions asked in this House.

Maulana Zafar Ali Khan: Do Government contemplate sending any reminders to the French Government?

Sir Aubrey Metcalfe: Certainly, through His Majesty's Government.

AYYALUR TRAIN DISASTER ON THE SOUTH INDIAN RAILWAY.

5. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Railway Member state:

- (a) whether he has received the report of the enquiry committee appointed for the purpose of enquiring into the Ayyalur disaster on the South Indian Railway;
- (b) if so, what are their findings;
- (c) whether Government have considered the report and come to any conclusion in the matter; and

(d) whether compensation has been paid to the victims; if so, to how many, and what is the total amount of compensation paid?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the reply given to parts (a) and (b) of his starred question No. 1902 on the 7th December, 1938.

If the Honourable Member is referring to the magisterial enquiry by the District Magistrates of Trichinopoly and Madura, their report is, I understand, under the consideration of the Madras Government.

(b) In view of the reply to part (a) above, Government are not in a position to state the findings.

(c) Does not arise.

(d) No.

Mr. T. S. Avinashilingam Chettiar: May I know whether that answer was not that the report had not yet been submitted?

The Honourable Sir Thomas Stewart: No, Sir. The reply was :

"(a) and (b). No Committee was appointed to report on the accident. I would, however, refer the Honourable Member to the reply I gave to Shrimati Radha Bai Subbarayan's starred question No. 1359 on the 21st November, 1938.

(c) I would also refer the Honourable Member to the reply I gave to part (c) of Mr. Satyamurti's starred question No. 1209 on the 10th November 1938."

Mr. T. S. Avinashilingam Chettiar: In view of the fact that large numbers of people died in this accident and a larger number were injured, may I know what steps the Government of India have taken to inquire into the cause and the reason of this accident?

The Honourable Sir Thomas Stewart: Sir, the Government of India do not accept any responsibility for this accident.

Mr. K. Santhanam: May I know why Government have not circularized the Members of this Assembly the report of the Senior Government Inspector who inquired into this accident just as they have circularized the report on the Hazaribagh accident?

The Honourable Sir Thomas Stewart: I informed the Honourable Member himself in reply to one of his questions that in the normal course of events the report of the Government Inspector of Railways on that accident would be printed up and published.

Prof. N. G. Ranga: May I know why is it that the Government of India did not try to get a copy of the report submitted by the District Magistrate of Trichinopoly, or if Government have got that report, what action they have taken?

The Honourable Sir Thomas Stewart: The magisterial inquiry was instituted by the Government of Madras, and I think it would be wholly improper to endeavour to anticipate what might be the findings or the recommendations of the Government of Madras after due consideration of the report.

Mr. T. S. Avinashlingam Chettiar: May I know whether the question of compensation to the sufferers is still pending, or have they come to the final conclusion that no compensation would be payable?

The Honourable Sir Thomas Stewart: I have already informed the House that, from the report submitted by the Senior Government Inspector, it would appear that no responsibility for damage lies on the Government of India.

Mr. T. S. Avinashlingam Chettiar: Have the Government of India received any complaints or claims for compensation?

The Honourable Sir Thomas Stewart: I would require notice of that.

Prof. N. G. Ranga: Have the Government of India ascertained from the Government of Madras what conclusions it has arrived at on the report that was submitted?

The Honourable Sir Thomas Stewart: I have stated that my understanding is that the Government of Madras are still considering the report of their magisterial officers.

Mr. K. Santhanam: Have the Government of India come to the final conclusion that they would not appoint a public inquiry into this accident?

The Honourable Sir Thomas Stewart: So far as the evidence before us indicates, we can see at present no reason for a public inquiry.

M. K. Santhanam: May I know if the Government of India have decided that they would not accept the recommendation of the Central Advisory Committee for Railways that in every such case there should be a public inquiry?

The Honourable Sir Thomas Stewart: I should require notice of that.

Mr. Lalchand Navalrai: With reference to the answer to part (d), may I know whether the terms of reference to the magisterial officer contained the terms of reference with regard to the compensation also?

The Honourable Sir Thomas Stewart: Sir, I am not responsible for the issue of the terms of reference to the magisterial officer.

Mr. S. Satyamurti: Can the Honourable Member give some indication to the House as to the reasons on which they have come to the conclusion that no different inquiry is called for?

The Honourable Sir Thomas Stewart: I have already announced on the floor of the House the substance of the report of the Senior Government Inspector.

EXPULSION OF AN INDIAN STUDENT FROM FRANCE.

6. ***Mr. Abdul Qaiyum:** Will the Foreign Secretary please state:

- (a) whether Intiaz Ali Khan of Karnal, a student of the Ecole Hautes Études Internationales was summarily expelled from France;
- (b) the reason for such expulsion; and
- (c) the steps taken by the Government of India, direct or through the British Foreign Office, to have the said order annulled; and, if any steps were taken, with what effect?

Sir Aubrey Metcalfe: (a) to (c). The Government of India have no information. Enquiries have been made from His Majesty's Government concerning the matter and their reply is awaited.

Mr. Abdul Qaiyum: Have the Government of India not come across the news published in various newspapers about the expulsion of this student?

Sir Aubrey Metcalfe: Certainly; but I dare say the Honourable Member himself has also come across that. I am asked for official information which I have not got.

Mr. Abdul Qaiyum: Is it or is it not a fact that this particular gentleman has been expelled? An enquiry is a subsequent thing. But do the Government of India admit the fact of his expulsion?

Sir Aubrey Metcalfe: The Government of India have no official information on the matter at all.

Mr. Abdul Qaiyum: What is the method whereby the Government of India usually come to know about the treatment meted out to Indians in various parts of the world? What is the agency whereby the Government of India get this information?

Sir Aubrey Metcalfe: We make inquiries from His Majesty's Government and until we receive that information, we have no official information to place before the House.

Mr. M. S. Aney: Who takes the initiative in this matter,—the Government of India or His Majesty's Government?

Sir Aubrey Metcalfe: The Government of India obviously.

Mr. M. S. Aney: May I ask whether the Government of India have taken the initiative in this matter to get the information with regard to the expulsion of this particular student?

Sir Aubrey Metcalfe: Certainly.

Mr. Abdul Qaiyum: Is it not a fact that the British Consular authorities have instructions to inform the Government of India when such occasions arise?

Sir Aubrey Metcalfe: No, not direct. The inquiries are made in the case of French incidents of this kind through the Foreign Office from the Consular or Diplomatic authorities concerned.

Mr. Abdul Qaiyum: Will the Government of India request the Foreign Office that in future British Consular representatives or the representatives of the Foreign Office should immediately inform the Government of India when such an occasion arises?

Sir Aubrey Metcalfe: I hardly think that could be done, because the importance of the incident would vary very much in different cases.

Maulana Zafar Ali Khan: How is it that only Indians are expelled from France, and no Englishman?

Sir Aubrey Metcalfe: The answer to that is not within the knowledge of the Government of India.

Maulana Zafar Ali Khan: The Government of India must possess knowledge of such facts.

Mr. President (The Honourable Sir Abdur Rahim): That may be the Honourable Member's opinion.

Dr. Sir Ziauddin Ahmad: Is it not a fact that the High Commissioner for India has got a special Department to look after the welfare of the Indian students and did that Department make any inquiry in this particular matter?

Sir Aubrey Metcalfe: As far as I know, the High Commissioner in London is not concerned with Indians abroad.

INVESTIGATION REGARDING THE EFFECT OF DRAINAGE OF CERTAIN PLACES IN ASSAM AND BENGAL

7. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state whether any investigation has been made, or, is proposed to be made, regarding the effect on drainage of the low lying country comprising of parts of Mymensingh, Sylhet and Tripura districts lying up the George Bridge over the river Meghna at Bairale and as to the extent the bridge is responsible for the accumulation of water in that part of the country, even late in the month of November and early December, never experienced before? If so, what are the results of the investigation?

The Honourable Sir Thomas Stewart: No investigation has been made since the bridge was constructed, but before this the whole question of the waterway necessary was considered by the Provincial Government who accepted the Railway proposal. No further investigation by the Government of India is contemplated.

Mr. Brojendra Narayan Chaudhury: In view of the water-logging in the very first year after the opening of the bridge, do not the Government of India think it necessary that an investigation should be made? Would the Government of India be satisfied with the past estimates as against actual facts?

- (d) whether Government have considered the advantages of starting negotiation for buying up, or for exchanging of, tiny foreign possessions surrounded by British Indian territories, such as, French Chandarnagar?

Sir Aubrey Metcalfe: (a), (b) and (c). The Government of India understand that the Government of the French Settlements in India had proposed to bring into force regulations imposing certain restrictions and taxes upon all foreigners resident in those Settlements. The latest information is, however, to the effect that the imposition of these regulations has been postponed.

- (d) Government have considered the problem from every aspect.

Mr. Brojendra Narayan Chaudhury: Are the Government of India assured that the proposal will not be revived and executed before they have time to intercede in view of the fact that the matter has been postponed and not abandoned.

Sir Aubrey Metcalfe: Obviously the Government of India had no assurance as to what the French Government were likely to do.

Mr. K. Santhanam: Is the principle of peaceful alteration of frontiers confined to Europe only, or can it be applied to India also?

Sir Aubrey Metcalfe: I am afraid, I do not understand what information the Honourable Member is asking for.

Mr. K. Santhanam: The point is that the French Settlements and other settlements should be taken over by British India by peaceful negotiations. Have the Government of India considered the feasibility of absorbing all these foreign settlements into British India?

Mr. President (The Honourable Sir Abdur Rahim): That is a very different question.

Mr. Manu Subedar: May I ask whether Government have any information as to the policy of the French Government, whether they are putting these taxes only in their possessions in India or whether they are putting these taxes uniformly in all their possessions elsewhere in the world also?

Sir Aubrey Metcalfe: I believe that the tax is imposed throughout all French territories, but I should like to have notice if the Honourable Member wishes to have the detailed information of this sort.

Mr. T. S. Avinashilingam Chettiar: May I ask whether this tax is postponed for any specified period or whether it is for an indefinite period of time?

Sir Aubrey Metcalfe: So far as I know, it is indefinite. We have received no intimation of any particular period.

**RESTRICTIONS ON THE ENTRY OF INDIANS IN NEPAL TERRITORY AND
RECRUITMENT OF GURKHAS IN THE INDIAN ARMY.**

12. *Mr. Akhil Chandra Datta: (a) Will the Foreign Secretary please state whether there are any restrictions imposed by the Nepal Government on the entry of Indians in Nepal territory?

(b) Do the Indian Government pay ten lakhs annually to Nepal for the privilege of having Gurkhas recruited in the Indian Army?

(c) Have Government considered the suggestion made in this House for saving this money by recruiting Indians in place of Gurkhas? If so, what has been the decision? If not, why not?

(d) Have Government considered whether there is not equally good military material available in India?

(e) What are the different approved classes from which recruitment is made?

(f) What are the main principles and criterions on which that classification is based?

(g) When was the list of approved classes first prepared? Has any addition or subtraction been made in that list since then? If so, when and why?

Sir Aubrey Metcalfe: (a) As far as the Government of India are aware, Indians can cross the frontier into Nepal without restriction. All persons—Indians, Nepalese, or others—arriving in Nepal by the route from India are, however, required to obtain Nepalese passports if they desire to enter the hills of Nepal.

(b) No. An annual payment of Rs. 10 lakhs is made by the Government of India to the Nepal Government in recognition of services rendered by the Nepal Government during the Great War.

(c) Does not arise.

(d) to (g). These questions should have been addressed to the Defence Secretary.

Mr. Abdul Qaiyum: With reference to part (d) of the question, may I know whether the Government of India have asked His Majesty's Government to defray these 10 lakhs from the British Exchequer for services rendered in the war, instead of making it a burden on the Indian revenues?

Sir Aubrey Metcalfe: No such request has been made so far as I remember.

Mr. Abdul Qaiyum: May I ask whether the people of India were consulted before they were saddled with these 10 lakhs annually?

Sir Aubrey Metcalfe: It is difficult to understand exactly what the Honourable Member means by 'the people of India'.

Mr. Abdul Qaiyum: Was the Central Assembly consulted?

Sir Aubrey Metcalfe: I do not think the Central Assembly was in existence at the time when the payment was arranged.

Mr. Abdul Qaiyum: Is this payment going to be for an indefinite period, or is there any clause by which it can be terminated?

Sir Aubrey Metcalfe: There is no such clause. The offer was made and accepted.

Mr. Mohan Lal Saksena: May I know if the Nepalese are required to obtain passports before they can enter into British India?

Sir Aubrey Metcalfe: I want notice.

Mr. M. S. Aney: Was the Indian Legislature, as it then existed, consulted about this matter?

Sir Aubrey Metcalfe: I want notice.

13. ***Mr. Akhil Chandra Datta:** As regards question No. 13, I have already got the information in reply to Mr. Chettiar's question, and so I do not put question No. 13.

TRAGIC ACCIDENT IN VIZAGAPATAM HARBOUR.

†14. ***Mr. K. S. Gupta:** (a) Is the Honourable Member for Communications aware that six lives were lost in the tragic accident which occurred in Vizagapatam Harbour?

(b) How was the accident caused?

(c) Is it a fact that the entrance channel is often crossed by people in small boats? If so, is it necessary that they should obtain the permission of the authorities to do so? If not, why not?

(d) Do the tugs haul at the place where the channel is generally crossed by the small boats?

(e) Is it not necessary for the tugs to give a warning to the crossing boats to keep the way clear for their passage? If not, why not?

(f) Has there been any enquiry made by the Harbour authorities about the tragedy? If so, what is the result of the enquiry?

(g) Is there any report of the enquiry? If so, is the Honourable Member prepared to call for it and place it on the table?

The Honourable Sir Thomas Stewart: (a) Yes.

(b), (f) and (g). A copy of the report submitted by the Harbour Authorities is laid on the table.

(c) No, Sir, not at this point; workmen, however, cross in boats from time to time under definite instructions from Harbour authorities.

†Answer to this question laid on the table, the questioner being absent.

(d) Tugs pass to all parts of the harbour from time to time.

(e) Yes. They give the warning by sounding their steam whistles.

Report submitted by the Vizagapatam Harbour Authorities on the accident which occurred in the harbour on the 19th November, 1938.

I regret to report that an accident occurred in the Harbour on the 19th November, 1938, which resulted in the loss of six lives, all the deceased being employees of the Harbour. The case has been reported to the Commissioner for Workmen's Compensation, Madras, and to the Vizagapatam Police, who conducted the police enquiry usual in cases of death. An official enquiry was held on the same day by the Harbour Master: the Superintendent of Machinery and the Executive Engineer were the other members of the board of enquiry. The evidence of 5 witnesses was recorded, and on the light of the evidence, there is no dispute as to the facts of the case.

2 The facts are as follows:

The steam ferry "Tepparevu" having crossed from the west to the east side of the Harbour, was detained on the east side to allow a steamer to leave the Harbour. The steamer duly left. A number of workmen employed by the Harbour had missed the ferry when she crossed from west to east; and in view of the fact that they would have to wait for the return trip and would be late for their work, they persuaded the two khallasies in charge of a small Harbour boat to take them across after the passage of the steamer. The statement of the surviving khallasi in his evidence is that 14 men boarded the boat without their consent. They then proceeded to ferry the men across the Harbour in the boat, the steering of the boat being in charge of the khallasi who was killed in the accident. While doing so, they saw the tug "Sir Guthrie Russell" crossing the harbour from a different point. The master of the tug blew his whistle as a signal for their boat to stop, and the boat was stopped. It is clear that this actually happened, both from the evidence of the tug master, tug crew and from the statement of the surviving khallasi. There is no conflict at all in the evidence on this point. The tug proceeded alongside a barge at a jetty and manoeuvred to lie exactly alongside the barge. While the tug was still engaged in straightening herself and checking her way by using her propellers spasmodically, the khallasi steering the boat proceeded to cross close to her stern, and in doing so, was drawn still closer by the wash of the tug's propellers. Some of the men got into a panic and jumped out of the boat, and it was among this number that the casualties occurred through being struck by the propeller of the tug. Those who remained in the boat suffered no injury, although the boat itself was drawn in so close to the tug by the wash that the boat's bottom was struck by one propeller. Both the khallasies acted contrary to orders in taking their boat to the west side of the Harbour. They did this over night for their own convenience and left the boat on the west side throughout the night. It was, therefore, entirely on their own account that they were crossing from the west to east side on the morning of the accident; and it appears to be likely that they actually offered a lift across to their fellow workmen, although the survivor states that they compelled them to take them. It is equally clear that the khallasi steering the boat passed too close to the stern of the tug, thereby committing an error of judgment, which converted a relatively minor breach of regulations into a serious disaster. He has paid for his error with his life. There remained for consideration the guilt of the surviving khallasi, and when considering his case, it was necessary to remember that he was neither steering nor rowing the boat, when the accident occurred. He did not, therefore, contribute directly to the accident. He contributed to the first causes which made the events leading up to the accident possible; because he participated in the breach of regulations by means of which the boat spent the night on the wrong side of the Harbour and was used the following morning for transporting workmen, who ought to have used the regulation steam ferry. A further material fact was taken into consideration when considering his case, namely, that one of the victims of the accident was the man's brother. In view of these circumstances, and in view of the fact that the man's services are, in any case, being dispensed with on the 31st January, 1939 it was considered sufficient to take the man off marine duties, and to put him on to shore work for the short remainder of his service.

RECRUITMENT OF ORIYAS IN THE POSTAL DEPARTMENT IN ORISSA.

†15. ***Seth Govind Das:** With reference to my starred question No. 1612 of the 29th November, 1938, will the Honourable Member for Communications please state :

- (a) whether he will make enquiries and find out whether it is a fact that people from other Provinces have been recruited for service in the Postal Department in Orissa;
- (b) whether he will satisfy himself that a genuine grievance exists on account of the breach of recruiting rules and because of people from outside the Province, not knowing the local languages, having been recruited to the detriment of the people and domiciles of the Province;
- (c) if the answer to part (b) be in the affirmative, whether he will cause the outsiders to be sent to their respective Provinces to be absorbed in the Department and the candidates of the Province to be provided in their places; and
- (d) if not, why not?

The Honourable Sir Thomas Stewart: (a) and (b). Government have no reason to believe that the orders regarding recruitment to the subordinate services in the Posts and Telegraphs Department on a local area basis have not been duly observed and they see no reason to make any enquiries of the kind suggested by the Honourable Member. I would point out that in regard to recruitment to Circle and all-India cadres no preference is given to provincial claims.

(c) and (d). I am prepared to look into individual instances of a breach of the rules if they are brought to my notice, but I am not prepared to take the action suggested.

EMPLOYMENT OF PASSED CANDIDATES AS POSTAL CLERKS IN BIHAR AND ORISSA.

†16. ***Seth Govind Das:** With reference to my starred question No. 1611 of the 29th November, 1938, will the Honourable Member for Communications please state :

- (a) whether he will give the names of the sixteen candidates who passed the examination held at Ranchi in February, 1937, and were approved by the Postmaster General and who have been permanently appointed;
- (b) the number of candidates that have passed the examinations; and the number of those who have been approved; and
- (c) whether there were any who passed the examination and were not approved for permanent service; if so, how many of them were appointed, and what are their names?

The Honourable Sir Thomas Stewart: (a) I lay on the table a list of the sixteen names.

†Answer to this question laid on the table, the questioner being absent.

(b) 38 candidates passed the examination, of whom 21 were approved for appointment against vacancies which were likely to occur before the date of announcement of the first competitive examination to be held under the new rules for recruitment.

(c) The reply to the first part of the question is in the affirmative. As regards the second part, seven of them were employed on a purely temporary basis, and a list of their names is laid on the table.

List referred to in reply to part (a).

1. Lalit Prasad Misra.
2. James Pathaik.
3. Tarashankar Ghosh.
4. Madan Mohan Nandi.
5. Md. Ghyasuddin.
6. Shaikh Serajuddin.
7. Prabhu Sahay Kandir.
8. Susil Kumar Sarkar.
9. Mohammad Nowman Mallick.
10. Bibhuti Bhusan Das
11. Rudra Narain Das.
12. Jagat Kishore Lal.
13. Baidyanath Mukherjee.
14. Amulya Chandra Raha.
15. Benedict Tigga.
16. Md. Mohin.

List referred to in the reply to part (c)

1. Shanti Ram Chakravarty.
2. Joseph Benedict Kujur
3. Ramsatya Mukherjee.
4. Kalidas Mukherjee.
5. Bimal Chandra Chatterjee.
6. Gauri Shankar Ghosh.
7. Bimal Krishna De.

EMPLOYMENT OF PASSED CANDIDATES AS POSTAL CLERKS IN BIHAR AND ORISSA.

†17. *Seth Govind Das: With reference to my starred question No. 1611 of the 29th November, 1938, will the Honourable Member for Communications please state:

- (a) whether he is aware that the clerks referred to in my question No. 728 of the 5th September, 1938, have not been absorbed in permanent services but were discharged from service from the 1st December, 1938;
- (b) whether he is aware that the discharged clerks had put in nearly one year's service each and were efficient in the discharge of their duties;
- (c) whether he has made enquiries to find out whether their services during that period were satisfactory and they proved suitable for the service for which they were entertained; and

†Answer to this question laid on the table, the questioner being absent.

- (d) whether he has considered the hardship the discharged clerks are put to, and that their future services are being marred on account of some of them being age-barred on account of the period of their service in the Postal Department?

The Honourable Sir Thomas Stewart: (a) The fact is substantially as stated.

(b) The reply to the first part is in the affirmative. As regards the second part, I have no information.

(c) No enquiries of the nature mentioned by the Honourable Member have been made but under the existing rules of recruitment, these candidates are ineligible for permanent appointment unless and until they qualify under those rules.

(d) Government must disclaim any responsibility for hardship since the candidates were employed on a purely temporary basis and were so warned at the time of employment.

TRADE NEGOTIATIONS WITH THE AFGHAN MINISTER.

18. *Mr. T. S. Avinashilingam Chettiar: Will the Secretary for External Affairs state:

- (a) the result of the trade negotiations with the Afghan Minister who had recently been invited to Delhi;
- (b) what the subjects of discussion were; and
- (c) whether it is true that the negotiations have broken down?

Sir Aubrey Metcalfe: (a) and (b). The discussions with the Afghan Trade Delegation related to trade and economic questions, and were purely of an exploratory nature. The provisional conclusions reached have still to be considered and approved by the two Governments.

(c) No, since no formal negotiations have been initiated.

Prof. N. G. Ranga: When are they expected to begin their conversations again?

Sir Aubrey Metcalfe: I cannot prophesy about that. I hope fairly shortly.

Mr. T. S. Avinashilingam Chettiar: May I know what is the object of the discussion?

Sir Aubrey Metcalfe: I will read again the answer to parts (a) and (b):

"The discussions with the Afghan Trade Delegation related to trade and economic questions, and were purely of an exploratory nature. The provisional conclusions reached have still to be considered and approved by the two Governments."

Mr. T. S. Avinashilingam Chettiar: If the discussions were on trade and economic questions, how does it happen that these negotiations are conducted through the Foreign and Political Department and not through the Commerce Department?

Sir Aubrey Metcalfe: Representatives of the Commerce Department were present throughout the discussion.

Mr. T. S. Avinashilingam Chettiar: Apart from trade and economic questions, were any other questions under discussion?

Sir Aubrey Metcalfe: I am not in a position to add anything to the information which I have given in reply to the Honourable Member's question.

Prof. N. G. Ranga: For how much longer this *status quo* will continue?

Sir Aubrey Metcalfe: I am not sure exactly what the Honourable Member means by the *status quo*.

Prof. N. G. Ranga: In regard to economic and commercial conditions as between Afghanistan and India?

Sir Aubrey Metcalfe: What is the information exactly required by the Honourable Member?

Prof. N. G. Ranga: Are there any trade agreements between Afghanistan and India, and, if so, for how long they will run?

Sir Aubrey Metcalfe: There is no trade agreement between Afghanistan and India.

Mr. S. Satyamurti: In view of the keen interest felt by Indian traders and businessmen with regard to their position in Afghanistan, will the Government of India take steps, so far as they are concerned, to expedite the conclusion of a trade agreement between India and Afghanistan?

Sir Aubrey Metcalfe: There is possibly some confusion about the meaning of trade agreement. As I understand it what the Indian public are mainly interested in is facilities for commerce and trade in Afghanistan. Those will not necessarily be provided for in a trade agreement.

Mr. S. Satyamurti: Are any steps being taken—I quite accept the Honourable Member's statement that the keen interest felt by Indian traders is about their status and their position in Afghanistan as Indian traders—may I know if any steps are being taken to ensure proper protection for them by means of suitable trade or other agreements?

Sir Aubrey Metcalfe: We hope, without having any formal trade agreement, to get some of the disabilities and inconveniences under which Indian traders suffer removed or at any rate mitigated.

REDUCTION IN FIRST CLASS ACCOMMODATION ON RAILWAYS.

19. ***Mr. K. Santhanam:** (a) Will the Honourable Member for Railways please state the reduction in first class accommodation in each of the Class I Railways as a result of the Wedgwood Committee's recommendations?

(b) In how many branch lines in each such Railway has such accommodation been entirely stopped?

(c) In how many main line trains in each such Railway has such accommodation been stopped?

The Honourable Sir Thomas Stewart: (a) and (c). Detailed information is not available for each of the class I Railways and I shall endeavour to obtain it for the Honourable Member.

(b) The information has been called for in connection with Mr. T. S. A. Chettiar's starred question No. 2044 of 12th December, 1938, and a statement will be placed on the table of the House.

SETTING UP OF A STATUTORY RAILWAY AUTHORITY.

20. *Mr. K. Santhanam: Will the Honourable Member for Railways please state:

- (a) whether any date has been decided upon for the setting up of Statutory Railway Authority;
- (b) what arrangements, if any, have been made for the purpose;
- (c) whether the location of its central office has been decided upon; and
- (d) whether, before coming to a final decision on the above matters, Government intend to consult this Assembly?

The Honourable Sir Thomas Stewart: (a) No.

(b) None.

(c) I would refer the Honourable Member to the reply given to part (c) of Mr. Satyamurti's starred question No. 125 asked in this House on the 26th August, 1937.

(d) I would refer the Honourable Member to the reply given to part (c) of Mr. Satyamurti's starred question No. 638 asked in this House on the 31st August, 1938.

Mr. K. Santhanam: May I know whether there have been any recent negotiations for any quarters for this office in Calcutta?

The Honourable Sir Thomas Stewart: I have heard of no such negotiations.

Mr. S. Satyamurti: With reference to part (a), may I know whether as at present advised Government do not intend to set up the Federal Railway Authority till Federation comes into existence, if it does come?

The Honourable Sir Thomas Stewart: I am unwilling to give the Honourable Member any wrong impression in that regard.

Mr. T. S. Avinashilingam Chettiar: May I know whether Government have not taken any action in this matter of either acquiring premises or selecting officers or staff for the Federal Railway Authority?

The Honourable Sir Thomas Stewart: My answers to parts (a) and (b) of the question were quite categorical.

POSTS OF THE SUPERVISORY STAFF FOR RAILWAYS.

21. ***Mr. K. Santhanam:** Will the Honourable Member for Railways please state:

- (a) whether the posts of the supervisory staff for Railways referred to in starred question No. 2043, asked on the 12th December, 1938, have been filled;
- (b) how many of the staff selected are Indians and how many non-Indians;
- (c) what are their respective salaries and the terms on which they have been recruited; and
- (d) how many are still to be recruited, and when it is expected that all the posts will be filled up?

The Honourable Sir Thomas Stewart: (a) No.

(b) to (d). Do not arise.

ELECTRIFICATION OF RAILWAY STATIONS.

22. ***Mr. K. Santhanam:** Will the Honourable Member for Railways please state:

- (a) whether the Railway Board has laid down any policy for electrification of railway stations;
- (b) whether he is aware that many stations in the South Indian Railway are lit by kerosene lamps, even when cheap *pykara* electricity is available at the place; and
- (c) whether steps are proposed to be taken to see that wherever possible stations are lit by electricity?

The Honourable Sir Thomas Stewart: (a) No.

(b) I am aware that there are many stations both on the South Indian and other railways which are lit with oil lamps. Railways are, nevertheless, alive to the advantages of electric lighting, and its more extended use is purely a matter of cost. It is a matter that is being pursued where circumstances justify it.

(c) This is a matter that can safely be left in the hands of Railways since it is their policy and in their own interest to improve the amenities of travel.

Mr. K. Santhanam: May I know whether the Railway Board is asking the railway administrations to estimate the cost of electrifying the premises of each railway station and find out whether it would be cheaper or costlier than the present system of oil lamps?

The Honourable Sir Thomas Stewart: It is my understanding that the railway administrations, in deciding whether or not to electrify the premises of a railway station, will take into consideration the cost of so doing.

Mr. K. Santhanam: May I know whether some railway administrations are not electrifying the premises though it would be cheaper because of vested interests of oil contractors?

The Honourable Sir Thomas Stewart: I am not aware of the existence of the vested interests to which the Honourable Member refers.

CONVICTION OF MR. S. W. RALPH, DEPUTY CONTROLLER, EAST INDIAN RAILWAY.

23. *Mr. Badri Dutt Pande: Will the Honourable Member for Railways be pleased to state:

- (a) if Mr. C. W. Ralph, Deputy Controller, East Indian Railway, has been found guilty of negligence of duties as a sequel to the Bihta train disaster, by the Sub-Divisional Officer, Dinapore, and sentenced to a fine of Rs. 500 or, in default, to suffer one month's rigorous imprisonment;
- (b) if Mr. Ralph is still a railway employee, or if he has been dismissed from service;
- (c) how many years service he had had in the Railway; and
- (d) if his post is pensionable?

The Honourable Sir Thomas Stewart: (a) Yes: (I may mention the initials, however, should be S. W. and not C. W.)

- (b) He is still in service under suspension.
- (c) Nearly 24 years.
- (d) Non-pensionable.

Mr. Lalchand Navalrai: May I know if it is a fact that the Government or the Railway Administration have applied for enhancement of sentence in this case?

The Honourable Sir Thomas Stewart: I am not so aware.

Mr. Badri Dutt Pande: Has any action been taken against any other subordinate officials in connection with the Bihta train disaster?

The Honourable Sir Thomas Stewart: Surely this particular case is an instance in point.

INSTALLATION OF PUBLIC RECEIVING RADIO SETS.

24. *Mr. S. Satyamurti: Will the Honourable Member for Communications be pleased to state:

- (a) the policy of Government in respect of the installation of public receiving radio sets;
- (b) whether they make or intend to make any distinction in this matter between cities and towns on the one hand and villages on the other;

(c) whether, in view of the financial implications involved, Government purpose, in consultation with the Provincial Governments, to evolve a policy of confining public receiving or community radio sets only to villages and encouraging private radio sets being purchased largely in cities and towns; and

(d) if not, why not?

The Honourable Sir Thomas Stewart: (a) and (b). In the provinces the Central Government have co-operated with Provincial Governments in putting into effect schemes for the provision of broadcasting sets in rural areas as part of their rural development programmes. The Central Government have themselves initiated a concentrated scheme of rural broadcasting in Delhi Province as an experimental measure. As regards urban areas a considerable number of community receiver licences have been given in one Province at the instance of the Provincial Government.

(c) and (d). The Provincial Government to which I have referred have expressed the definite view that they do not share the apprehension that the installation of community receivers would affect licence revenue. If, however, community receivers are to be allowed in large numbers, clearly there is a case for increasing the existing licence fee. The whole matter is under consideration.

Mr. S. Satyamurti: I suspect that the Provincial Government is my own Government, but, with reference to part (c) of the question, may I ask whether the Government of India do or do not realise that, unless they evolve a policy of confining these public receiving or community sets to villages, there will be no appreciable increase in licence fees and that a mere increase in licence fees may reduce the demand for licences?

The Honourable Sir Thomas Stewart: I realise the strength of the Honourable Member's case but it is a case to which his Government does not at present subscribe.

Mr. S. Satyamurti: But may I know whether the Government of India are helpless as against the Provincial Governments in view of the fact that they finance the entire scheme, and are they bound to accept the advice of the Provincial Governments in a matter where the finances of the Government of India alone are involved, and when the future of broadcasting is dependent on the increase of licence fees?

The Honourable Sir Thomas Stewart: No, Sir; the Government of India are by no means helpless but they realise that the Honourable Member's Government may have a reasonable case and they do not wish to turn that case down out of hand.

Mr. S. Satyamurti: But have the Government of India examined the expansion of private licences in areas like towns where there are community receiving sets, and will they come to any conclusion on the question of confining these sets to villages only, where people cannot afford to take out licences and take them away from cities where people can afford to have private licences?

The Honourable Sir Thomas Stewart: Sir, I think I had it from the Honourable Member himself that there had been a very satisfactory expansion in the number of private licences in the Madras Presidency.

Mr. S. Satyamurti: But I am asking whether there might not have been a bigger expansion but for the wrong policy of giving community sets at the expense of the private tax-payers to cities where people can afford to pay for these licences.

The Honourable Sir Thomas Stewart: I think I have indicated to the Honourable Member that it is certainly a debatable issue, and it is receiving our consideration even now.

Mr. Lalchand Navalrai: May I know if the Sind Government have made any suggestions to the Central Government or are in co-operation with them for providing the rural areas of Sind with these receiving sets?

The Honourable Sir Thomas Stewart: I can for the moment recall no such representation.

MUSIC PROGRAMMES OF BROADCASTING STATIONS.

25. *Mr. S. Satyamurti: Will the Honourable Member for Communications be pleased to state:

- (a) whether Government are aware of a feeling of dissatisfaction among listeners of the All-India Radio music programmes, and that inferior music is being not unoften broadcast;
- (b) whether this is due to each broadcasting station aiming at self-sufficiency;
- (c) whether Government have examined or propose to examine, the possibility of evolving and broadcasting from their stations high class music programmes by musicians of reputation and relaying them; and
- (d) whether, in this connection, Government are prepared to consider the need and the possibility of synthesising the different schools of Indian music?

The Honourable Sir Thomas Stewart: (a) No, Sir. On the contrary judging from communications received from listeners which I consider to be a surer guide than occasional criticisms that appear in the press, the musical programmes put out by the All-India Radio are appreciated by the large majority.

(b) Does not arise.

(c) A system of inter-station relays has recently been started as an experimental measure and will be developed if found successful.

(d) Yes, so far as practicable. Experiments in evolving new forms of music must, however, be left, in the main, to private initiative.

Mr. S. Satyamurti: With reference to part (a) of the question, may I know if my Honourable friend has ever listened to Indian music broadcast from any station, and whether he is satisfied that uniformly superior music is transmitted and that inferior music is not transmitted?

The Honourable Sir Thomas Stewart: I think it would be a very small contribution to the discussion even if I had listened in because I am no critic of music but I may quote some statistics on the point. There is a very considerable volume of correspondence arriving at the All-India Radio office and in regard to Indian music it is in the neighbourhood of an average of six hundred letters per month. Of these, roughly 93 per cent. express approval of our programmes, and only 7 per cent. are more critical.

Mr. S. Satyamurti: Considering the fact that in humanity critics are always in a minority, may I know whether my Honourable friend will consider the question of re-examining this point from the point of view of advice given by me and several others whom I represent that Indian music broadcast is not unoften inferior music, due to the fact that each station wants to be self-sufficient?

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think a discussion of that will be in order.

Maulana Zafar Ali Khan: I should like to know whether, in the case of music, inferiority and superiority are not relative terms and matters of taste which cannot be disputed?

(No reply.)

Mr. K. Santhanam: May I know if the All-India Radio will compile a list of approved critics by whose opinion they will be guided?

PROVISION OF AMENITIES FOR LOWER CLASS PASSENGERS ON RAILWAYS.

26. *Mr. S. Satyamurti: Will the Honourable Member for Railways be pleased to state, with reference to the recommendation of the Wedgwood Committee on amenities for lower class passengers, and the action and remarks of the Railway Board thereon (page 15 of the second statement November, 1938, regarding Chapter XI, paragraph 175, Wedgwood Report):

- (a) the improvement *specifically* in the "standard of amenities" provided for lower class passengers during the *last* three years on State and Company Railways;
- (b) the programme of the provision of such amenities during the next three years;
- (c) the expenditure incurred thereon during the last three years and proposed for the next three years;
- (d) whether the new type of third class carriage is now running; if so, how many, and on which lines;
- (e) whether there is any proposal to provide sleeping accommodation for third class passengers during nights in long distance trains on charging them a reasonable extra fare; and
- (f) if not, why not?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the paragraphs dealing with the improvements carried out in existing lower class carriages given in Chapter VII of the Railway Board's Annual Reports on Indian Railways for the last three years, copies of which are in the Library of the House.

(b) It is not possible to give the programme of improvements during the next three years. The programme of construction of lower class coaches to improved design during 1938-39 and 1939-40 will be found in :

(i) the statement laid on the table of the House on 8th August, 1938, in connection with Babu Kailash Behari Lal's starred question No. 599, and

(ii) the statement laid on the table of the House on 7th December, 1938, in connection with Prof. N. G. Ranga's starred question No. 1883.

(c) The information is not available.

(d) I would refer the Honourable Member to the reply given to Prof. N. G. Ranga's starred question No. 1883 of 7th December, 1938.

(e) and (f). I would refer the Honourable Member to the reply given to part (e) of Mr. B. N. Chaudhury's starred question No. 398 on 21st February, 1938.

Mr. S. Satyamurti: With reference to part (c) of the question, may I know why, if the Railway Board have a specific programme for the improvement of amenities for third class passengers, there is no information available to my Honourable friend as regards the expenditure incurred in the last three years and proposed for the next three years?

The Honourable Sir Thomas Stewart: The reason is that the expenditure is spread over a very large number of items, great and small, and it would be very difficult indeed to collect the information into a sum total.

Mr. S. Satyamurti: With reference to part (d) of the question, may I know, according to the latest information available to my Honourable friend, on how many lines how many third class carriages of this type are now being actually used in passenger traffic?

The Honourable Sir Thomas Stewart: That information is contained in a rather elaborate statement which was laid on the table in answer to a question asked by my Honourable friend, Prof. Ranga, on the 8th August 1938.

Mr. S. Satyamurti: Has the position been static since then, and have no new third class carriages of this type been added, and no new lines have been provided with these carriages?

The Honourable Sir Thomas Stewart: I should not like to give the Honourable Member that assurance but I think it is highly unlikely that within the period of five months that have elapsed any very considerable advancement has taken place.

Prof. N. G. Ranga: In view of the fact that even a small percentage of fall in the revenues from third class passengers makes a big hole in the total railway income, why is it that the Government of India do not think it advisable to prepare a three or five years' programme for the development of these amenities for third class passengers in order to make third class travel more popular and more profitable for Government also?

The Honourable Sir Thomas Stewart: I think the Government of India prefer a safer method of budgeting.

Mr. K. Santhanam: May I know if all new constructions of third class carriages are of the new type and whether all railway administrations have accepted this as the proper type for all new construction?

The Honourable Sir Thomas Stewart: My understanding is that they approximate to the approved standard type.

SELECTION AND TRAINING OF COMMERCIAL STAFF ON RAILWAYS.

27. *Mr. S. Satyamurti: Will the Honourable Member for Railways be pleased to state, with reference to the statement of action and remarks on page 12 of the second statement, November, 1938, regarding Wedgwood Committee's recommendations, Chapter VIII, paragraph 116 (g), page 72:

- (a) the arrangements which are being made for the selection and training of commercial staff;
- (b) the reasons why Government have taken the view that recruitment for some higher posts in the Commercial Department from Great Britain may prove necessary in very special cases, and
- (c) what those very special cases are?

The Honourable Sir Thomas Stewart: (a) Railway Administrations are doing what they can, within the means at their disposal, to give effect to the recommendations made in the Report in regard to the training and education of commercial staff. Some Railways have provided courses on subjects relating to commercial work in their training schools. The general financial situation at present precludes anything more being done.

(b) I would refer the Honourable Member to Sir Syed Sultan Ahmad's reply to the debate in this House on the 27th August, 1937, on the Report of the Committee, in the course of which he gave an assurance that no recruitment would be made from abroad until Government were convinced that suitable recruits could not be obtained in India.

(c) None has so far arisen.

Mr. S. Satyamurti: May I know if recently there was a proposal on one railway to import a European as a Commercial Superintendent?

The Honourable Sir Thomas Stewart: Can the Honourable Member indicate which railway is in question?

Mr. S. Satyamurti: I have no information, but I saw from the papers that there was a proposal to import a foreigner as a Commercial Superintendent on some railway in India. Has my Honourable friend got any information on that matter?

The Honourable Sir Thomas Stewart: No, Sir. I am prepared to inquire about that question.

UNSATISFACTORY TELEGRAPHIC ARRANGEMENTS DURING THE POLITICAL
CONFERENCE AT AJODHYA.

28. *Mr. Badri Dutt Pande: (a) Has the attention of the Honourable Member for Communications been drawn to a note from Ajodhya published on page 2 of the *Leader* of the 3rd January 1939 under the caption "Unsatisfactory telegraphic arrangements" and complaining that at the time of the 30th United Provinces Political Conference held at that place there was a great rush of press telegrams and telegrams were delayed when the Political Conference was advertised and about a lakh of people attended the Conference?

(b) Why were additional signallers not engaged?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) The Honourable Member is mistaken. An additional signaller was engaged.

Mr. Badri Dutt Pande: Is it a fact that there was only one signaller on the date at Ajodhya?

The Honourable Sir Thomas Stewart: No

Mr. Badri Dutt Pande: Is it a fact that telegrams were delayed for four days?

The Honourable Sir Thomas Stewart: I am informed that that is not the case.

Mr. Badri Dutt Pande: Has any inquiry been made by the Postal Department?

The Honourable Sir Thomas Stewart: Certainly. An inquiry has been made and I have ascertained that the Secretary of the Conference in question has written a special letter of thanks to the postal authorities for the assistance they gave.

AMENITIES PROVIDED FOR THIRD CLASS PASSENGERS ON THE BENGAL NAGPUR
AND MADRAS AND SOUTHERN MAHRATTA RAILWAYS.

29. *Mr. K. S. Gupta: (a) Will the Honourable Member for Railways state the special amenities provided for the third class passengers on the Bengal Nagpur Railway and Madras and Southern Mahratta Railway during the last three years? If none, why not?

(b) Is there any programme to improve the conditions of the third class passengers on the above Railways submitted to the Central Government? If so, will it be placed on the table?

(c) How many carriages of the new type of third class were constructed by the Bengal Nagpur Railway and the Madras and Southern Mahratta Railway? If none, why not? If constructed, when are they to run?

(d) Are there any travelling sweepers in the mail trains from Calcutta to Madras and back to look after the cleanliness of the third class carriages and lavatories? If so, are there any sanitary supervisors to inspect the work of such sweepers?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the details given against these Railways in the Railway Board's Administration Reports for each of these three years.

(b) No.

(c) The Honourable Member's attention is drawn to the statement laid on the table of the House in answer to Prof. N. G. Ranga's starred question No. 1883 of the 7th December, 1938.

(d) Travelling sweepers are employed by the Madras and Southern Mahratta Railway on the Calcutta-Madras Mails. Their work is supervised by Station Masters, Traffic Inspectors, Train Examiners and Assistant Surgeons.

Prof. N. G. Ranga: Which is the authority which is expected to see that the new carriages that are ordered by these two railways, the Bengal Nagpur and the Madras and Southern Mahratta Railways, approximate to the standard new type of third class carriage?

The Honourable Sir Thomas Stewart: The Honourable Member will understand that these railways are not State Railways, but if my memory serves me right, we have asked the non-state railways to conform to our specifications and they have expressed willingness to do so as far as possible.

Mr. Muhammad Azhar Ali: May I know why these amenities mentioned in part (d) are not provided on other lines excepting Calcutta to Madras?

The Honourable Sir Thomas Stewart: The only point that arises out of my answer is the possible deduction that sweepers are not employed between Waltair and Calcutta. The employment or non-employment of sweepers on these trains is entirely a matter for the consideration and decision of the administration of the Bengal Nagpur Railway.

Mr. K. Santhanam: With reference to the answer to part (d), may I know if the Honourable Member is aware that these sweepers, travelling or otherwise, generally do not sweep third class carriages but only the first and second class carriages?

The Honourable Sir Thomas Stewart: No. I am not so aware.

Mr. K. Santhanam: Will he make inquiries and instruct the railway authorities to see that third class carriages are swept as well as first and second class carriages?

The Honourable Sir Thomas Stewart: I shall convey the Honourable Member's allegation to the administration concerned.

Mr. Abdul Qaiyum: Is the Honourable Member aware that if and when a sweeper is found and sweeps the place, he generally waits for a tip?

Prof. N. G. Ranga: Is the Honourable Member aware of the fact that at several junction stations between Madras and Calcutta even if third class passengers ask for the services of these travelling sweepers or others, they are either not available or are not supplied by the local station staff?

The Honourable Sir Thomas Stewart: I am not so aware.

Prof. N. G. Ranga: Will Government ascertain from the railways concerned whether such a practice should be discontinued?

The Honourable Sir Thomas Stewart: I have already indicated my readiness to convey to the administration concerned the alleged inefficiency of their sweeping system.

DISINFECTING FLUIDS USED BY STATE RAILWAYS.

30. *Mr. Manu Subedar: (a) Will the Honourable the Railway Member please state the amount of disinfecting fluids used annually by the various State Railways in India?

(b) What is the proportion of Indian manufactured disinfecting fluids used by the Indian State Railways, as compared to that of foreign manufacture?

(c) Has the attention of the Indian State Railways been drawn to the stores purchase policy of the Government of India, by which stores manufactured in India should be given preference?

The Honourable Sir Thomas Stewart: (a) The total quantity of disinfecting fluids purchased for the State-managed Railways in India during the period 1st November, 1937, to 31st October, 1938, was 18,599 gallons.

(b) 16 per cent.

(c) Yes.

Mr. Manu Subedar: May I know why the proportion of Indian manufactured disinfectants was only 16 per cent. when presumably a suitable quality is manufactured in this country and is accepted by the railways themselves as well as by other departments of the Government?

The Honourable Sir Thomas Stewart: The amount accepted is I think determined by the price at which it is offered.

Mr. Manu Subedar: May I know whether Indian manufacturers have been approached in order to reduce their prices in order that they may come within the field?

The Honourable Sir Thomas Stewart: I could not possibly answer that question.

Mr. Manu Subedar: Does the Honourable Member repudiate the general policy of the Government of India in the Stores Department that if there is a slight variation by about 15 per cent. the Indian article is to be preferred?

The Honourable Sir Thomas Stewart: The Honourable Member's statement of the Government's stores policy is entirely fallacious.

Mr. Manu Subedar: May I know what is the policy?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot go into all that now.

Mr. Manu Subedar: Sir, the Honourable Member said that on the ground of prices the Indian manufacturers had been ruled out from the supply of disinfectants for these railways. I want to know whether it is the policy of the railway authorities not to give the slightest preference in the matter of price to Indian manufacturers.

The Honourable Sir Thomas Stewart: The Honourable Member's second statement of policy varies very considerably to the extent of 15 per cent. from his original one.

Mr. Manu Subedar: May I know whether Government give any preference whatever, if not 15, at least one per cent.?

The Honourable Sir Thomas Stewart: Yes: as has been stated frequently in answer to the Honourable Member's questions preference is given; but we have always refused to state the exact degree of preference,—a matter on which the Honourable Member has shown considerable interest.

Mr. Manu Subedar: May I take it that in spite of the preference the railways were unable to secure to the extent of 84 per cent. of their requirements in this country?

The Honourable Sir Thomas Stewart: That is a very reasonable deduction from the answer I have given.

Mr. K. Santhanam: Are we to understand that the 16 per cent. of Indian manufacture has been paid for at a higher price?

The Honourable Sir Thomas Stewart: When questions of particular prices arise, I must have notice.

TRAIN DISASTER NEAR HAZARIBAGH ON THE EAST INDIAN RAILWAY.

31. *Mr. Badri Dutt Pande: (a) Will the Honourable Member for Railways be pleased to state the circumstances that led to the serious disaster to 9 Up Dehra-Howrah Express between Chichaki and Hazaribagh Road stations of the East Indian Railway on the 12th January, 1939?

(b) What is the number of dead and injured?

(c) Will there be a public enquiry into the big tragedy, which is the fifth of its kind since Bihta?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the report of the Senior Government Inspector of Railways which has been supplied to the Honourable Members and a copy of which has been placed in the Library of the House.

(b) 21 dead and 77 injured.

(c) Is under consideration of Government.

Mr. S. Satyamurti: May I know why Government take so much time to decide on a public inquiry, and whether Government realise the danger of relevant evidence not being available because of this delay?

The Honourable Sir Thomas Stewart: Government could not come to any decision on this matter until they received the report of their own officer as to what had occurred and that report was received only a very few days ago.

Mr. S. Satyamurti: May I know what is the law or convention under which Government cannot order a public inquiry immediately after a serious railway accident occurs, until they get the reports of the railway officials?

The Honourable Sir Thomas Stewart: Because I think it conceivable that the report of the Government Inspector would indicate that there was no necessity for a public inquiry.

Mr. S. Satyamurti: In view of the fact that there have been actual loss of life and injury and considerable damage to property, may I know whether Government do or do not accept the need for instituting a public inquiry immediately after the report of the accident, without waiting for any reports from railway officers?

The Honourable Sir Thomas Stewart: No, Sir, that cannot be accepted as a general principle.

Maulana Zafar Ali Khan: In view of the fact that disasters on railway lines are on the increase,—especially in the notorious Bihar area there have been recently any number of railway disasters—do Government consider the advisability of running pilot engines before express and mail trains? Because I see that whenever the Viceroy and Governors proceed on tours, their trains are always preceded by a pilot engine, but in the case of express and mail trains, in which thousands of passengers travel, their lives are always in jeopardy. Do Government propose to run a pilot engine before these express and mail trains?

(After a pause)

Is there no answer?

The Honourable Sir Thomas Stewart: The suggestion of the Honourable Member is not under serious consideration.

Sir Abdul Halim Ghuznavi: In view of the fact that four bogies in the train were completely burnt down to ashes, how could the number of deaths be found out? How could they ascertain the number of passengers who were travelling in those four bogies, because there was no trace of the bogies except the ashes?

The Honourable Sir Thomas Stewart: The reports as to the number of casualties were drawn up in consultation with the civil authorities who were present on the scene. I presume that all those responsible officers were satisfied that the remains that were found did indicate the specified number of casualties.

Sir Abdul Halim Ghuznavi: But how could they find out the number when the bogies were completely burnt to ashes?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot have any argument on that.

(b) WRITTEN ANSWERS.

ADVERTISEMENTS IN PUBLICATIONS OF THE ALL-INDIA RADIO.

32. *Mr. Manu Subedar: (a) Will the Honourable Member for Communications please state whether the attention of Government has been drawn to an article in the *Bombay Chronicle*, dated the 27th December, 1938, on "Radio and Advertising"—"Some Questions for A. I. R." in which the allegation is made that the Bombay Station of the A. I. R. has become a publicity bureau for the goods of Messrs. Phillips and Company?"

(b) Why was there a three-Page advertisement of Messrs. Phillips and Company in the publication called "School Broadcasts—Winter Session, 1938-39"? Was this paid for?

(c) Were other advertisers and merchants, who are members of the All-India Radio Merchants' Association, approached for advertisements?

(d) Have Government received a representation on this subject from the Secretary of the All India Radio Merchants' Association?

(e) Have Government looked into this matter and taken any steps to prevent a repetition of any discrimination by the Department against any particular manufacturers or dealers, or in favour of any particular manufacturers or dealers?

The Honourable Sir Thomas Stewart: (a) Yes, I presume the Honourable Member is referring to the article which appeared in the *Bombay Chronicle*, dated the 28th December, 1938.

(b) The school broadcast pamphlets published by All-India Radio contain no advertisements. The pamphlet to which the Honourable Member apparently refers was published, I understand, by Messrs. Phillips and Company and Government were not concerned with it beyond giving them permission to publish the three talks contained in it.

(c) and (e). Do not arise.

(d) No.

RADIO LICENCE FEE, ETC.

33. *Mr. Manu Subedar: (a) Will the Honourable Member for Communications please state the total number of radio licences in India, as on the latest date for which particulars are available, and how many are there in each Province?

(b) What is the total amount of (i) capital outlay and (ii) running expenditure incurred in respect of each Province, and what percentage do these figures bear to the total number of licences?

(c) Have Government received any representation that the licence fee should be reduced from Rs. 10 to Rs. 5?

(d) What is the amount paid to the Post Office in respect of these licences? Have Government considered whether the licences could be issued by the All-India Radio office in large cities?

(e) Is there any inducement to pay up early and, if so, what is the amount of deduction given?

(f) Have Government considered the desirability of putting a penalty for late payment of licence fees?

(g) What is the ratio of (i) time and (ii) expenditure for news in English speeches in English and programmes of English music at different centres in India to the whole time of broadcasting and the total expenditure?

The Honourable Sir Thomas Stewart: (a) and (b). Statistics of licenses are kept according to postal circles and not provinces. A statement giving the information so far as it is readily available is placed on the table of the House. I regret I am unable to follow the latter portion of part (b) of the Honourable Member's question but the information given in the statement will probably be sufficient for this purpose.

(c) Yes.

(d) Rs. 2 per license. The reply to the second part is in the affirmative.

(e) Yes, Re. 1 per license if renewed on or before the date of expiry.

(f) No, Sir, the relevant Acts already provide for the imposition of penalties by the courts of law for the offence of possessing or working a radio set without a current license.

(g) (i). The attention of the Honourable Member is invited to the fortnightly issues of the *Indian Listener* which are available in the Library of the Legislature.

(ii) Figures of expenditure on the various types of programme are not booked separately and are not readily available. Their collection from the different stations of All-India Radio would involve an amount of time and labour disproportionate to the result. As regards programmes of European music, however, I would refer the Honourable Member to the statement I placed on the table in reply to parts (b) and (c) of Mr. Avinashilingam Chettiar's question No. 921, on the 23rd March, 1938.

Statement showing the number of broadcast receiver licenses in force on the 31st December, 1938, in each Province (as far as separate figures are available), and the total amount of capital and recurring expenditure incurred on broadcasting stations since their establishment in the various Provinces up to the 31st March, 1938.

Name of the Province.	Number of licenses.	Capital expenditure.	Recurring expenditure.
		Rs.	Rs.
Bombay	19,569	5,46,859	15,46,082
Bengal	15,540		12,67,826
Assam	1,076	..	..
United Provinces	5,498	1,29,831	14,904
Central Provinces	1,816	..	..
Madras	5,535	2,16,440	17,952
Punjab	7,625	1,44,545	60,277
Delhi	2,322	6,63,728	7,48,226
North-West Frontier Province	1,113	50,129	1,30,259
Bihar	2,002	..	..
Orissa . . . . .		..	..
Sind . . . . .		..	..
Baluchistan	2,384	..	..
Total	64,480	*17,51,532	*37,85,526

* Does not include expenditure on the Head-quarters Office of the Controller of Broadcasting or on the Installation or Research Departments. It is not possible to allocate this expenditure under separate provinces.

LEVY OF A POLL-TAX ON FOREIGNERS IN FRENCH INDIA.

33A. *Mr. K. Santhanam: Will the Secretary for External Affairs please state:

- (a) whether the proposal to levy poll-tax on British Indians in French Settlements in India has been abandoned;
- (b) whether any alternative scheme is being considered; and
- (c) whether the French authorities have been informed that any action calculated to obstruct the free movement of Indians between British India and the French Settlements will cause hardship to both?

Sir Aubrey Metcalfe: (a) The latest information received by the Government of India is to the effect that the imposition of the tax has been postponed.

(b) The Government of India have no information.

(c) The difficulties which would be created by the enforcement of the proposed restrictions on foreigners in French India were brought to the notice of the French authorities.

TRAIN DISASTER NEAR HAZARIBAGH ON THE EAST INDIAN RAILWAY.

33B. *Mr. Ram Narayan Singh: Will the Honourable the Railway Member be pleased to state:

- (a) the causes of the terrible railway disaster that took place between the Hazaribagh Road Station and Chackhaki on the 12th January, 1939;
- (b) the nature and the extent of the sufferings and losses of life and property of the passengers of the ill-fated train;
- (c) the exact time when the disaster took place;
- (d) the time when the railway authorities of the neighbouring railway stations and the police and the District Magistrate concerned were informed of this disaster and also the manner in which it was so done;
- (e) the time when the rescue party, if any, reached the place of the accident;
- (f) the medical aid given to the injured and the persons by whom and the place where it was so done;
- (g) the method by which the survivors were taken to their respective destinations;
- (h) the way in which the bodies of the dead were disposed of; and
- (i) the number of trains, Up and Down, which arrived on the spot within two hours of the disaster and the help, if any, rendered by the train officials to the suffering and the dying passengers of the ill-fated train?

The Honourable Sir Thomas Stewart: (a), (c), (e), (f), (g) and (i). I would refer the Honourable Member to the report of the Senior Government Inspector of Railways.

(b) 21 killed and 77 injured, of which 19 were reported serious. The nature and extent of the loss of property is unknown.

(d) Details regarding information given to the railway authorities of neighbouring railway stations are given in the Senior Government Inspector's report. The time at which the District Magistrate concerned was informed is not known.

(h) The bodies were taken over by the Police and civil authorities

RECRUITMENT OF CAPTAIN EGGLESEFIELD AS DEPUTY DIRECTOR OF CIVIL AVIATION.

33C. *Mr. M. Thirumala Rao: (a) Will the Honourable Member for Communications please state whether it is a fact that one Captain Egglesefield is being imported as Deputy Director of Civil Aviation?

(b) Are there not competent Indians to hold the post?

(c) Is it the policy of Government to see that sufficient number of Indians are trained to man the Civil Aviation Department?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) No.

(c) Yes.

TRAIN DISASTER NEAR HAZARIBAGH ON THE EAST INDIAN RAILWAY.

33D. *Mr. M. Thirumala Rao: (a) Will the Honourable Member for Railways please state whether Government have received a full report about the disaster that overtook the Dehra Dun Express on 12th January, 1939?

(b) Do Government propose to conduct a sifting inquiry, by a non-official Committee, into the causes of the frequent disasters on the East Indian Railway?

The Honourable Sir Thomas Stewart: (a) and (b). I would refer the Honourable Member to the reply I have given today to Mr. Badri Dutt Pande's starred question No. 31.

CONVICTION OF MR. S. W. RALPH, DEPUTY CONTROLLER, EAST INDIAN RAILWAY.

33E. *Mr. M. Thirumala Rao: Will the Honourable the Railway Member please state the departmental action which has been taken or is proposed to be taken against Mr. S. W. Ralph, Deputy Controller of the East Indian Railway, who was sentenced to pay a fine of Rs. 500, or in default to undergo one month's rigorous imprisonment, in connection with the Bihta disaster?

The Honourable Sir Thomas Stewart: Mr. Ralph is at present under suspension and has, I understand, appealed against the sentence. The question of further departmental action will be considered by the East Indian Railway Administration after the hearing of Mr. Ralph's appeal.

SPEEDING UP OF THE GRAND TRUNK EXPRESS.

33F. *Mr. M. Thirumala Rao: (a) In view of the recent decision of the Railway Board to speed up trains, has the Honourable Member for Railways considered the advisability of speeding up the Grand Trunk Express?

(b) Is the Honourable Member aware that the Grand Trunk Express makes halts of 20 minutes and more at stations like Jhansi, Bhopal, Itarsee, Nagpur and Wardha, whereas the Delhi-Calcutta mail on the East Indian Railway does not halt for more than ten minutes at important stations like Aligarh, Cawnpore and Allahabad?

(c) Is the Honourable Member prepared to consider the possibilities of shortening the haltings of the Express which helps the shortening of the hours of journey?

(d) Does the Honourable Member propose to consider the desirability of connecting the Grand Trunk Express at Bezwada with the Up Madras-Calcutta Mail?

The Honourable Sir Thomas Stewart: (a) No specific reference has been made to the Railways concerned regarding the speeding up of the Grand Trunk Express.

(b) The timings given are substantially correct.

(c) and (d). The suggestions made by the Honourable Member will be conveyed to the Railways concerned.

MILITARY OPERATIONS ON THE NORTH-WEST FRONTIER.

33G. *Mr. S. Satyamurti: Will the Secretary for External Affairs be pleased to state:

(a) whether military operations are still going on on the North-West Frontier.

(b) against whom, or against which tribes; they are going on now;

(c) the specific objects for which these operations are being carried on;

(d) when they are expected to end;

(e) whether any peace terms have been offered to the "hostile" tribes; and

(f) if so, what they are?

Sir Aubrey Metcalfe: (a) to (d). The attention of the Honourable Member is invited to the communique published in the press on the 26th of January which explains the present position.

(e) and (f). The Honourable Member is referred to the reply given to part (d) of question No. 1186 asked by Mr. Abdul Qaiyum on the 10th November, 1938.

UNSTARRED QUESTIONS AND ANSWERS.

GARRAT ENGINES PURCHASED BY RAILWAYS.

1. Pandit Nilakantha Das: (a) Will the Honourable Member for Railways please state which Railways in India have got 'Garrat' engines, and how many in each case?

(b) When were they first purchased? Please state each instalment of purchase since then in case of each Railway having them?

(c) In which country and from which firm were they purchased?

(d) Have they been purchased by the Indian Stores Department, or any other agency?

(e) Have orders been issued recently for those engines? Who have issued such orders, for how many engines, and for which Railway or Railways?

(f) What is the term used in the order 'Garrat' engine, or 'Garrat' type of articulated engine?

(g) Is 'Garrat' a patent name?

(h) Are any parts of the 'Garrat' engine patented?

(i) Are those patented parts essential for manufacturing 'Garrat' type of articulated engines?

(j) Which firm, or firms, and in which country, hold those patents, if any?

(k) Are there other articulated engines which are not of the 'Garrat' type? If so, how do they differ from the 'Garrat' type in utility? Have they ever been tried in India?

(l) How many firms, and of which country, tendered for (i) 'Garrat' engines, (ii) 'Garrat' type of articulated engines, and (iii) articulated engines?

The Honourable Sir Thomas Stewart: The information asked for is being collected and will be laid on the table of the House in due course.

ADVANCE GRANT FOR FOREIGN PURCHASES OF RAILWAYS.

2. Pandit Nilakantha Das: (a) With reference to the item of advance sanction for money for General Purposes Stores to be purchased from foreign countries, placed from time to time before the Standing Finance Committee for Railways, will the Honourable Member for Railways please state since when this advance grant for foreign purchase has been in vogue?

(b) What has been the amount of grant each year till now?

(c) What has been the amount of total purchases for Railways for those years, year by year?

(d) How has the money for general purposes Stores been allocated to different railways year by year? (Here allocation to State Railways may be given together, if need be).

(e) What are the articles purchased from this advance grant? (If the articles are the same, as were given year before last, to the Standing Finance Committee for Railways, then the list may kindly be repeated here for ready reference).

(f) Has this list been ever scrutinised to see if certain of the articles could be purchased in India, or other articles could still be added to the list?

(g) If so, when was it scrutinised or revised, by whom, and with what effect?

(h) Has it ever been ascertained if all those articles still require advance grant? If so, when, by whom, and with what effect?

The Honourable Sir Thomas Stewart: (a) The Honourable Member's attention is invited to the memorandum on the subject placed before the Standing Finance Committee for Railways on the 21st September, 1935, *vide* proceedings of their meeting, Volume XII, No. 5. This memorandum gives a brief account of the evolution of the present procedure.

(b) A statement showing the amount of advance grant sanctioned for general purposes stores for each of the years 1927-28 to 1939-40 is placed on the table.

(c) The information will be found in Appendix A of Volume II of Railway Board's Report for each of these years.

(d) A statement showing amounts of allotments made to railways for the years 1931-32 to 1939-40 is placed on the table. Information for earlier years is not available, as the records for those years have been destroyed.

(e) I regret it is not practicable to furnish a completely detailed list. But the list placed before the Standing Finance Committee, to which the Honourable Member refers and of which I place a copy on the table, gives the main categories in which the articles fall. It should not be concluded, however, that every article in a particular category is imported, *e.g.*, though the list includes crockery and cutlery and paint and varnish, many items falling under these main heads are obtained from indigenous sources.

(f) and (g). In this connection, the attention of the Honourable Member is invited to the Memorandum on the policy of purchase of stores placed before the Standing Finance Committee for Railways on 31st January, 1936, *vide* proceedings of their meetings, Volume XII, No. 6. The policy and procedure therein laid down are such as to secure, in regard to State-managed Railways, apart from any scrutiny of this list, that articles that can be suitably purchased in India are so purchased. In respect of Company-managed Railways, the Railway Board, in consultation with the Indian Stores Department, has recently been scrutinizing copies of indents submitted by them to their Home Boards with a view to drawing attention to any articles that could be obtained in India.

(h) I understand that the general question of the scope of the advance grant for imported stores has been engaging the attention of the Standing Finance Committee for Railways, of which the Honourable Member is a member, and that a memorandum on the subject will shortly be placed before them for their consideration and advice.

Statement showing the amount of advance grant sanctioned for general purposes stores for the years 1927-28 to 1939-40.

(In lakhs of rupees).

1927-28 (£900,000) (at 1.6)	1,20
1928-29 (£650,000)	87
1929-30	80
1930-31	70
1931-32	45
1932-33	45
1933-34	30
1934-35	1,00
1935-36	1,00
1936-37	50
1937-38	1,10
1938-39	1,35
1939-40	1,45

Statement showing amounts of advance allotments made to railways for purchase of general purposes stores for the years 1931-32 to 1939-40.

(Figures in thousands of rupees.)

Railways.	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.	1936-37.	1937-38.	1938-39.	1939-40.
<i>State managed Railways.</i>									
1. Burma . .	65	40	45	2,17	2,25	41	...	...	...
2. Eastern Bengal .	4	...	25	...	2,00	5,00	5,00	4,50	8,00
3. East Indian .	2,00	2,00	2,00	2,00	1,85	9,00	20,00	24,00	25,00
4. Great Indian Peninsula.	38	...	...	20,00	20,38	38	17,00	21,01	33,01
5. North-Western .	...	...	...	50,00	24,00	1,00	23,00	32,00	33,12
Total .	3,07	2,40	2,70	74,17	50,48	15,79	65,00	81,51	99,13
<i>Company managed Railways.</i>									
Assam Bengal .	2,00	1,50	1,00	1,00	1,25	1,66	4,25	4,50	5,00
Bengal Nagpur .	1,00	1,00	50	50	3,00	8,00	8,00	8,00	6,50
Bengal and North-Western.	8,00	1,75	2,25	4,00	19,50	3,50	4,02	5,25	5,50
Bombay, Baroda and Central India.	15,87	10,40	6,40	5,47	6,27	6,25	11,95	12,00	13,00
Madras & Southern Mahratta.	5,50	6,25	4,00	4,50	5,30	6,00	7,45	11,45	8,83
Rohilkund & Kumaon.	40	40	40	40	60	1,00	1,00	90	1,10
South Indian .	5,33	6,93	5,60	5,60	13,60	7,80	5,60	4,00	4,27
Total .	38,10	28,23	20,15	21,47	49,52	31,21	42,27	46,10	44,50
GRAND TOTAL .	41,17	30,63	22,85	95,64	1,00,00	50,00	1,07,27	1,27,61	1,43,63

Memorandum regarding the main categories of general purposes stores for the purchase of which approval of the Standing Finance Committee for Railways to the advance allotment is obtained.

At their meeting of 27th July, 1936, the Committee, while approving the advance allotment for general purposes stores for 1937-38, desired to be furnished with a statement showing the main categories of articles for the purchase of which the advance allotment is obtained. The statement is attached to this memorandum.

Class.

C Spare parts for machine tools.

D Dog spikes, fishbolts and nuts.

Combination fishplates, bearing plates, moveable jaws and keys.
Shovels, beaters, powderbags and spanners.

Ea1 Axles, tyres, wheel centres, helical and volute, springs, laminated spring plates, boiler plates (copper and steel) boiler tubes, superheater headers, injectors and spares for same.

Ea2 Spare brushes.

Eb1 Wheels and axles, tyres, drawbars and hooks, helical and volute springs, laminated spring plates, buffers and buffer parts and screw couplings.

Eb2 Lavatory fittings and roof tanks.

Evb Metallic and rubber vacuum brake fittings.

- Eb6 Leather, imitation leather and textile trimming materials and linoleum.
- F1 Water columns.
- F2 Wire, poles, point rodding, burners, glasses and roundels.
- Ga Drills, files, saw blades, rivet snaps, dies and abrasive wheels.
- Gb1 Bolts and nuts, washers, nails, cotters, cotter pins, rivets, screws, chains, electrodes, copperjoint rings and steel and copper piping.
- Gb2 Spare parts for pressure lamps.
- Gb3 Hoses, rubber and canvas, belting, flax canvas, I. R. sheet, I. R. cushions and pads and twine.
- Gb4 Copper, tin, lead, zinc, extended brass bar, tool steel, die steel and bright draw steel bars.
- Gb5 Paint, varnish, enamel and paint brushes.
- Gb8 Crockery and cutlery.
- Gb9 Waterproof capes and caps.
- Gb10 Lubricating oil, grease, vaseline, graphite, fire clay, fire bricks, crucibles, case hardening compounds, carbide, metal polish, disinfecting fluid, fog signals, glue, glass and emery paper, gauge glasses, glass sheet and asbestos packing.
- Gb11 Printing and blotting paper.
- Ha Spare parts for diessel generators.
- Hb Dynamo parts, accumulators and accumulator parts, switchgear, sulphuric acid, electrolyte, belting, belt fasteners, fans, regulators, lamps and lamp fittings and loco. turbo-generator parts.
- Hd Incandescent lamps, insulated wire, cable, insulators, fuses and lamp fittings.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 864 asked by Pandit Sri Krishna Dutta Paliwal on the 8th September, 1938.

EARLY DEPARTURE OF A TRAIN FROM THE AGRA FORT OR AGRA CANTONMENT STATION.

(a) On 24th July, 1938 No. 12 Up Passenger left Agra Cantonment to its advertised departure time, i.e., 6-20, which was 25 minutes earlier than the ordinary scheduled departure.

(b) The earlier departure of this train was necessitated by the arrangements made in connection with the reception of the Viceregal Special.

(c) The changes in the time of the departure of No. 12 Up Passenger train was notified to the public by putting up notices to this effect near the 1st and 2nd class booking office and in the third class Waiting Hall at Agra Cantonment from 14th July, 1938, till 25th July, 1938. The earlier departure of this train was also advertised, for the information of the public, in a vernacular daily newspapers published at Agra Cantonment, viz., "Sainik" of the 16th July, 1938.

(d) Yes.

(e) Because the train which they had come to catch had already departed and no other passenger train was due at that time. In reply to the second part of the question, the police in refusing admittance were acting under standing orders.

(f) On the morning of the date in question, Mr. Devitre was noticed by the Station Master, Agra Cantonment talking with a Police Officer. On being approached by the Station Master, Mr. Devitre expressed annoyance at having missed the train, but his attention was immediately drawn to the notice exhibited on the Notice Board. The Station Master invited him to his office and Mr. Devitre left the station of his own accord.

(g) In view of the replies given to parts (a), (b) and (c) of the question this does not arise.

Information promised in reply to part (e) of starred question No. 931 asked by Mr. T. S. Avinashilingam Chettiar on the 12th September, 1938.

EXCISE DUTY ON MATCHES.

Statement showing the number of factories enjoying the concession of rebate of excise duty given by section 19 of the Matches (Excise Duty) Act, 1934.

	31st March 1937.	31st March 1938.
Northern India Provinces	11	18
Madras	74	70
Bombay . . . . .	..	1
Total	85	89

Information promised in reply to starred question No. 990 asked by Mr. Manu Subedar on the 13th September, 1938.

POWERS OF THE RAILWAY BOARD IN RESPECT OF RAILWAYS IN INDIA IN CERTAIN MATTERS.

(b) The Railway Board have no powers other than those referred to in the reply to part (a) of the question in regard to State Railways under Company management, in respect of public safety or choice of rolling stock.

Information promised in reply to starred questions Nos. 1147 to 1149 asked by Pandit Sri Krishna Dutta Paliwal on the 19th September, 1938.

USE OF THE KARACHI TOWN HALL FOR PUBLIC MEETINGS.

1147. (a) and (b). The Municipal Committee, Kekri, have adopted the rules framed by the Ajmer Municipal Committee to regulate the use of the Municipal Town Hall. A copy of the Rules is attached.

(c) No.

(d) Does not arise.

NOTIFICATION DEPRIVING THE AJMER MUNICIPAL COMMITTEE FROM ELECTING A NON-OFFICIAL CHAIRMAN.

1148. (a) Yes.

(b) Yes.

(c) Yes.

ELECTION OF A NON-OFFICIAL CHAIRMAN TO THE BEAWAR MUNICIPAL COMMITTEE.

1149. (a) Yes; the Chief Commissioner stated in 1931 that the official Chairman would be removed when the local authorities were satisfied that the interests of the Municipality and the public would not suffer.

(b) When the conditions mentioned in reply to part (a) of the question are fulfilled.

(c) The Extra Assistant Commissioner is an officer holding the position of Chairman by virtue of his office.

(d) Two.

(e) No.

Copy of the Ajmer Municipal Committee's Resolution No. 23, dated the 18th December, 1936

Resolution No. 23.—With reference to the General Committee's resolution No. 1, dated the 17th September, 1936, referring the case of regulating use of the T. T. Hall to a Special Sub-Committee to draw up general directions, read the following conditions submitted for approval.

1. The Trevor Town Hall with such furniture as it may have will be available—
 - (a) for holding Durbars;
 - (b) for meetings of the Ajmer Municipal Committee or its sub-committees or Special Committees;
 - (c) for meetings which the Commissioner of Ajmer may like to convene, and
 - (d) when not required for (a), (b) and (c), for holding public meetings, political, social, literary or others, except those—
 - (i) which may be unlawful, or
 - (ii) of which the object or purpose may be unlawful, or
 - (iii) which may be convened by an unlawful organisation, or
 - (iv) which may have been prohibited by an order promulgated or issued by Government or any magistrate, or
 - (v) which may be held for religious debates (*Munazara*).
 - (e) for such other general purpose as the Municipal Committee may from time to time by resolution approve.
2. No permission except under (a), (b) and (c) above will be given unless a sum of Rs. 15 has been deposited by the party seeking permission as security for making good any damage done to municipal property. The deposit will be refunded after deduction of such amounts, if any, as the Chairman may consider adequate to cover the damage, if any, caused to Municipal property by or on account of the use made in consequence of the permission granted. The Chairman's decision in the matter will be final.
3. That the party making use of the Hall at night shall also pay annas twelve for use of light and for fans, if used in hot weather at day or night, additional charges of annas two per hour.
4. That the Chairman will ordinarily grant permission on application made to him 24 hours before the intended use, but in urgent case, he may grant permission for the use of the Hall, if there is sufficient time to allow of arrangements being made for handing over the Hall to the party asking for permission to use it.
5. If more applications than one are received for the use of the Town Hall for the same time, preference will be given to the application first received.

Resolved unanimously that the directions be approved.

Information promised in reply to parts (a) to (c) and (e) of starred question No. 1202 asked by Mr. Sami Vencatachalam Chetty on the 10th November, 1938.

PURCHASE OF STORES BY PORT TRUSTS.

(a) The Madras Port Trust have a purchasing agent in England. Of the remaining ports two arrange their purchases of English stores through the High Commissioner for India, and the others, for the most part, employ their Consulting Engineers for the purchase of such stores as they may have to obtain from England.

(b) It is not possible in most cases to allocate correctly the payments made to the firms in respect of their functions as purchasers and in respect of their functions as Consulting Engineers.

Information promised in reply to starred questions Nos. 1283 and 1290 asked by Mr. Brijendra Narayan Chaudhury on the 16th November, 1938.

SHIFTING OF THE OVERBRIDGE OVER THE CHANDRAKONA ROAD STATION ON THE BENGAL NAGPUR RAILWAY.

Starred Question No. 1283.—(a) No.

(b) This station mainly serves the Ghatal Sub-Divisional headquarters of the Midnapore District and other important centres of the locality which are situated on the eastern side of the station which is the side on which the overbridge is located.

(c) Certain persons who arrive from Sarenga and other villages on the western side of this station have been known to take risks and cross the lines to go to the station although a level crossing exists at the south end of the station connecting with the proper station approach road.

(d) Shifting of the overbridge to the west side of the station has never been considered before, and if it were done it would not help matters, as, in that case, people from the eastern side, who form the majority, will resort to crossing the lines from that side. A possible remedy is to extend the overbridge to connect the western side as well as the eastern side, but the cost of doing this seems hardly justified, since passengers or buses from the Sarenga side can easily come to the eastern side by way of the level crossing which is the intended means of approach to the station from the western side. They would thus avoid any risk to themselves.

DISCRIMINATION IN THE SUPPLY OF WATER IN THE RAILWAY COLONIES OF PAHARTALI AND CHITTAGONG.

*Starred question No. 1290.—*There is no discrimination as regards supply of water but regulation of the supply is determined by topographical considerations.

In both Pahartali and Chittagong water is supplied throughout 24 hours to all Officers' Bungalows and the quarters which are situated at a high level, but owing to the height the supply is poor and often negligible when the low level colonies are drawing water.

For the low level colonies full supply of water is given between the following hours.

Pahartali—

5 hours to 13 hours.

16 hours to 21 hours.

Chittagong—

5 hours to 12 hours.

15 hours to 21 hours

Information promised in reply to starred questions Nos. 1364 and 1365 asked by Mr. Muhammad Nauman on the 21st November, 1938.

COMMUNAL COMPOSITION OF PERSONS RECRUITED IN THE GENERAL MANAGER'S OFFICE ON THE EASTERN BENGAL RAILWAY.

Starred question No. 1364.—(a) The following are the figures relating to men recruited in the General Manager's Office :—

	Hindu.	Muslim.	Anglo-Indian.
Personnel Branch	36	31	10
Other Branches	51	71	2

There was no recruitment for the Welfare Branch.

(b) There was no deficit in the Muslim quota.

(c) One. He is a Hindu.

**POST OF DRAWING OFFICE SUPERINTENDENT IN THE CHIEF ENGINEER'S OFFICE,
EASTERN BENGAL RAILWAY.**

Starred question No. 1365.—(a) and (b). The Chief Draughtsman of the Chief Engineer's Drawing Office on the Eastern Bengal Railway was appointed to officiate in the lower gazetted service as Drawing Office Superintendent. As the vacancy in the latter post was filled by one already in the service, it was not necessary to advertise it.

Information promised in reply to starred question No. 1396 asked by Mr. Sham Lal on the 22nd November, 1938.

PURCHASE OF LANDS FROM CULTIVATORS IN THE DELHI PROVINCE.

(a) Government have no information of any abnormal purchase of land by agriculturist members of the services and professional classes.

(b) No action is considered necessary.

Information promised in reply to parts (a) to (f) of starred question No. 1574 asked by Mr. Brojendra Narayan Chaudhury on the 29th November, 1938.

OVERCROWDING OF TRAINS AT SEALDAH RAILWAY STATION.

(a) Number of tickets collected at Sealdah :—

on 5th November 1938	.	.	.	.	.	.	.	11,570
on 6th November 1938	.	.	.	.	.	.	.	19,979
on 7th November 1938	.	.	.	.	.	.	.	14,495
(Suburbans)	.	.	.	.	.	.	.	10,498
Total								56,542

(b) Date.	No. of trains.	Total No. of bogie carriages.	Approximate and average seating accommodation per bogie.	Total seating accommodation
5-11-28	Specials 6 . . .	71	110	7,810
	Regular 18 . . .	126	110	13,860
				21,670
6-11-38	Specials 8 . . .	88	110	9,680
	Regular 18 . . .	126	110	13,860
				23,540
7-11-38	Specials 2 . . .	19	110	2,090
	Regular 18 . . .	126	110	13,860
	Suburban 41 . . .	123	150	18,450
				15,950
				18,450

(c) No.

(d) Does not arise.

(e) None of the mails was overcrowded, but certain ordinary and special trains were affected in that manner due to passengers refusing to wait for later trains, which could have cleared them without any overcrowding whatsoever.

(f) 16 special trains to Calcutta

Information promised in reply to starred questions Nos. 1597 and 1598 asked by Mr. K. S. Gupta on the 29th November, 1938.

CONSTRUCTION OF A COMBINED BOOKING AND PARCEL OFFICE AT VIZIANAGRAM ON THE BENGAL NAGPUR RAILWAY.

Starred question No. 1597.—(a) yes.

(b) The answer to the first part of the question is in the negative and the second part does not, therefore, arise.

(c) Does not arise.

(d) The provisions made include a trough built round the tree near the combined booking office adjacent to the parking place at the request of the Society for the Prevention of Cruelty to Animals.

LEVEL OF THE ASH PIT AT DESI AND HEIGHT OF MASONRY PILLARS OF WATER TANKS AT WALT AIR.

Starred question No. 1598.—(a) The Honourable Member is informed that the ash pit in question was built to correct level.

(b) No.

(c) The answer to the first part is in the negative, and the second part, therefore, does not arise.

(d) The answer to the first part of the question is in the affirmative, and to the second part in the negative. The alteration was made as part of newly installed overhead watering arrangements for trains at Waltair.

Information promised in reply to unstarred question No. 116 asked by Mr. Satya Narayan Sinha on the 29th November, 1938.

STAFF OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

A copy of the list of the staff of the Railway Clearing Accounts Office, Delhi, corrected up to the 1st April, 1938, has been placed in the Library of the House.

Information promised in reply to starred question No. 1643 asked by Mr. K. S. Gupta on the 30th November, 1938.

STRENGTH OF STAFF AND EXPENDITURE OF THE DELHI IMPROVEMENT TRUST.

(a) A statement is laid on the table.

(b) No. It is considered that the present supervisory staff cannot be reduced or replaced by equally efficient but less expensive staff.

Statement showing the strength of each branch of the office of the Delhi Improvement Trust as it stood on 1st November, 1938, together with pay, deputation or other allowances drawn by each and the proportion which the Superintendents or supervisory staff bears to the clerical and other establishment.

Serial No.	Name of post.	Pay, deputation or other allowances due on 1st November, 1938.				Remarks.
		Pay.	Deputation allowance.	Other allowance.	Total.	
	(a) Supervisory Staff.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
		GENERAL BRANCH.				
1	Personal Assistant to Chairman.	230 0 0	30 0 0 25 0 0*	...	285 0 0	*Compensatory allowance.
2	Head Clerk . . .	125 0 0 25 0 0†	12 8 0	...	162 8 0	† Special pay. N.
	Total . . .	380 0 0	67 8 0	...	447 8 0	
	(b) Clerical and other establishment.					
1	Stenographer to Chairman.	130 0 0	...	...	130 0 0	
2	Clerk	75 0 0	7 8 0	...	82 8 0	N.
3	Clerk	46 0 0	4 10 0	...	50 10 0	N.
4	Clerk	42 8 0	...	...	42 8 0	
5	Routine Clerk . . .	36 8 0	...	...	36 8 0	
6-7	Typists 2 at 42-8-0 .	85 0 0	...	...	85 0 0	
8	Typist	40 0 0	...	...	40 0 0	
9	Head Record Keeper .	60 8 0 10 0 0 Special pay.	6 1 0	10 0 0*	86 9 0	N. *Conveyance allowance.
10	Assistant Record Keeper	54 8 0	5 7 0	...	59 15 0	N.
11	Temporary Clerk . .	40 0 0	...	...	40 0 0	
12-13	Daffries 2 at 14 . .	28 0 0	...	...	28 0 0	
14	Jemadar to Chairman .	16 0 0	...	...	16 0 0	
15	Farash	13 0 0	...	...	13 0 0	
16	Peon	15 0 0	...	...	15 0 0	N.
17-19	Peons 3 at 14 . . .	42 0 0	...	...	42 0 0	
20-22	Peons 3 at 13 . . .	39 0 0	...	...	39 0 0	
23	Office chowkidar . .	14 0 0	...	...	14 0 0	
24	Sweeper	12 0 0	...	...	12 0 0	
	Total . . .	799 0 0	23 10 0	10 0 0	832 10 0	
	GRAND TOTAL . . .	1,179 0 0	91 2 0	10 0 0	1,280 2 0	

Proportions :—(a) Supervising establishment 85 per cent.
 (b) Subordinate clerical and other establishment 65 per cent. } of the total cost.
 Numerical proportion = 1 to 12.

Statement showing the strength of each branch of the office of the Delhi Improvement Trust as it stood on 1st November, 1938, together with pay, deputation or other allowances drawn by each and the proportion which the Superintendents or supervisory staff bears to the clerical and other establishment—contd.

Serial No.	Name of post.	Pay, Deputation or other allowances due on 1st November 1938.				Remarks.
		Pay.	Deputation allowance.	Other allowances.	Total.	
		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
	(a) Supervisory Staff.					
		LANDS BRANCH.				
1	Lands Officer . . .	540 0 0	...	75 0 0	715 0 0	
		100 0 0		Conveyance allowance.		
2	Tahsildar . . .	230 0 0	...	45 0 0	342 8 0	N.
		30 0 0		House rent.		
		Special pay.		37/8 Fixed		
				87 8 0		
				T. A.		
		770 0 0	...	157 8	1,057 8 0	
		130 0 0				
	(b) Clerical and other establishment.					
	A.—Lands Branch Proper.					
1	Naib Tahsildar . . .	80 0 0	...	30 0 0	140 0 0	
				Fixed T. A.		
				30 0 0		
				House rent.		
2	Moharrir . . .	35 0 0	...	...	35 0 0	
3	Peon . . .	13 0 0	...	...	13 0 0	
4	Stenographer to Lands Officer.	100 0 0	10 0 0	...	110 0 0	N.
5	Lease clerk . . .	42 8 0	...	...	42 8 0	
6	Temporary Clerk . . .	40 0 0	...	...	40 0 0	
7-8	Girdawars 2 at 50 . . .	100 0 0	10 0 0	20 0 0	155 0 0	N.
				25 0 0		
9	Moharrir . . .	40 8 0	4 1 0	...	44 9 0	N.
10	Reader to Tahsildar . . .	51 8 0	5 2 0	...	56 10 0	N.
11	Ledger Poster . . .	60 8 0	6 1 0	...	66 9 0	N.
12-20	Patwaris 7 at 35, 1 at 32 and 1 at 30.	307 0 0	...	...	307 0 0	N.
21-33	Peons 7 at 15, 6 at 14 . . .	189 0 0	...	...	189 0 0	7 peons. N.
	Total . . .	1,059 0 0	35 4 0	105 0 0	1,199 4 0	
	B.—Building Section.					
	(a) Supervisory Staff.					
1	Building Inspector . . .	150 0 0	...	15 0 0	165 0 0	
				Motor cycle allowance.		
	Total . . .	150 0 0	...	15 0 0	165 0 0	
	(b) Clerical and other establishment.					
1-2	Overseers 2 at 85 . . .	170 0 0	...	6 0 0	176 0 0	
				Cycle allowance.		
3	Building Surveyor . . .	70 0 0	...	3 0 0	73 0 0	
				Cycle allowance.		
4-5	Draftsman, 1 at 52-8-0, 1 at 40.	92 8 0	...	...	92 8 0	
6-7	Clerks 2 at 42-8-0 . . .	85 0 0	...	...	85 0 0	
8	Clerk 1 at 40 . . .	40 0 0	...	...	40 0 0	
9	Ferro-Printer . . .	30 0 0	...	...	30 0 0	
10-11	Peons 2 at 18 . . .	26 0 0	...	...	26 0 0	
12-22	Khallas 11 at 14 . . .	154 0 0	...	...	154 0 0	
	Total . . .	667 8 0	...	9 0 0	676 8 0	
	Total B.—Building Section.	817 8 0	...	24 0 0	871 8 0	

Statement showing the strength of each branch of the office of the Delhi Improvement Trust as it stood on 1st November, 1938, together with pay, deputation or other allowances drawn by each and the proportion which the Superintendents or supervisory staff bears to the clerical and other establishment—concl'd.

Serial No.	Name of post.	Pay, deputation or other allowances due on 1st November 1938.				Remarks.
		Pay.	Deputation allowance.	Other allowances.	Total.	
		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
	C.—ARCHITECTURAL SECTION. (Temporary.)					
	<i>(a) Supervisory Staff.</i>					
1	Architectural Assistant	300 0 0	60 0 0	50 0 0 Motor conveyance allowance.	410 0 0	
	Total .	300 0 0	60 0 0	50 0 0	410 0 0	
	<i>(b) Clerical and other establishment.</i>					
1	Draftsman . . .	100 0 0	...	...	100 0 0	
2-3	Tracers, 2 at Rs. 40 .	80 0 0	...	...	80 0 0	
4	Peon	13 0 0	...	...	13 0 0	
5	Khallasl	14 0 0	...	...	14 0 0	
	Total .	207 0 0	...	...	207 0 0	
	Total C.—Architectural Section.	507 0 0	60 0 0	50 0 0	617 0 0	
	Total A.—Lands Branch	900 0 0	...	157 8 0	1,057 8 0	
	B.—Building Section.	150 0 0	...	15 0 0	165 0 0	
	C.—Architectural Section.	800 0 0	60 0 0	50 0 0	410 0 0	
Nos.						
4	(a) Supervisory Staff .	1,350 0 0	60 0 0	222 8 0	1,632 8 0	
38	Total A.—Lands Branch	1,059 0 0	35 4 0	105 0 0	1,199 4 0	
22	B.—Building Section.	667 8 0	...	9 0 0	676 8 0	
5	C.—Architectural Section.	207 0 0	...	...	207 0 0	
60	(b) Clerical and other Establishment.	1,933 8 0	35 4 0	114 0 0	2,082 12 0	
	Grand Total of:—					
	(a) Supervisory Staff plus.					
	(b) Clerical and other establishment.	3,153 8 0	225 4 0	336 8 0	3,715 4 0	

Proportion :—(a) Supervisory staff 44 per cent. of total cost.

(b) Subordinate and clerical establishment 56 per cent. of total cost.

Numerical proportion 1 to 15.

Statement showing the strength of each Branch of the Office of the Delhi Improvement Trust as it stood on 1st November, 1938, together with pay, deputation or other allowances drawn by each and the proportion which the Superintendents or supervisory staff bears to the clerical and other establishment.

ACCOUNTS DEPARTMENT.

Serial No.	Name of post.	Pay, deputation or other allowances due on 1st November, 1938.				Remarks.
		Pay.	Deputation allowance.	Other allowances.	Total.	
		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
	(a) Supervisory Staff.					
1	Accounts Officer . .	500 0 0	...	...	500 0 0	A.
2	Superintendent . .	500 0 0	50 0 0	...	550 0 0	A.
	Total	1,000 0 0	50 0 0	...	1,050 0 0	
	(b) Clerical and other establishment.					
1	Clerk	175 0 0	17 8 0	...	192 8 0	A.
2	Clerk	160 0 0	16 0 0	...	176 0 0	
3	Clerk	104 0 0	10 6 0	...	114 6 0	A.
4	Cashier	55 0 0 15 0 0 Special pay.	5 8 0	7 8 0 Conveyance allowance.	83 0 0	N.
5	Clerk	40 0 0	...	...	40 0 0	
6-7	Two 15 14	29 0 0	...	...	29 0 0	(1 peon N).
8-9	Two Treasure Guards . .	28 0 0	...	...	28 0 0	
	Total	606 0 0	49 6 0	7 8 0	662 14 0	
	Grand Total	1,606 0 0	99 6 0	7 8 0	1,712 14 0	

Proportion :—Supervisory establishment : : : : 61 per cent. } of the total cost.
 Subordinate establishment : : : : 39 per cent. }
 Numerical proportion 2 to 9.

NOTE.—

'N' means staff that was employed in the old Nazul Office prior to the formation of the Trust. This staff is now treated as on foreign service. The scale of pay applicable to these men is the same as that which applied in the old Nazul Office.

'A' means staff belonging to the office of the Accountant General, Central Revenues. The scale of pay applicable to them is that of the office of the Accountant General.

Information promised in reply to parts (a) and (b) of starred question No. 1673 asked by Mr. Brojendra Narayan Chaudhury on the 1st December, 1938.

CLASSIFICATION OF INCOME FROM FISHERIES FOR ASSESSMENT OF INCOME-TAX IN CERTAIN PLACES IN ASSAM.

(a) Income from fisheries is classed neither under 'Property' nor under 'Business' but under 'Other sources'.

(b) Yes.

Information promised in reply to starred questions Nos. 1710 and 1711 asked by Sheikh Rafiuddin Ahmad Siddiquee on the 2nd December, 1938.

MUSLIM CLERKS IN THE DIVISIONAL OFFICE, QUETTA.

Starred question No. 1710.—(a) and (b). I am placing on the table the following statements relating to the Divisional Superintendent's office at Quetta :

I.—Showing by communities the permanent staff, numbering 104, as detailed in the statement previously given.

II.—Showing by communities the temporary staff employed in the Divisional Superintendent's office.

III.—Showing the designation, pay, grade and duties of Muslim clerks.

STATEMENT I.

Statement showing by communities permanent staff; numbering 104, as shown in the statement previously given.

	Hindus.	Muslims.	Sikhs.	Christians.	Total.
<i>Old scales.</i>					
Grade VII (400—20—500) .	1	..	..	..	1
Grade VI (285—15—330) .	..	..	..	..	..
Grade V (215—15—275) .	1	..	..	..	1
Grade IV (160—10—200) .	4	..	2	..	6
Grade III (100—5—140) .	10	2	3	..	15
Grade II (68—4—80—5—95) .	26	12	3	1	42
Grade I (39—3—60) .	19	6	1	..	} 39
Class I, Grade I (30—5—50—5/2—60).	6	6	1	..	
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STATEMENT II.

Statement showing by communities the temporary staff employed in the Divisional Superintendent's office.

	Hindus.	Muslims.	Sikhs.	Christians.	Total.
Class III, Grade I, 200 . . .	1	..	..	..	1
Class II, Grade 3, 160 . . .	1	..	1	..	2
Class II, Grade I, 100—10/2 years—120	4	3	1	..	8
Class I, Grade II, 65—5/2 years—85	4	14	1	..	19
Class I, Grade I, 30—5—50—5/2 years—60	7	6	3	1	16
					46

STATEMENT III.

Statement showing the designation, pay, grade and duties of Muslim clerks.

Designation.	Grade.	Pay.	Duties performed.
1	2	3 Rs.	4
<i>Personnel Branch.</i>			
Head P. II . . .	III . . .	140	Deals with inferior and labour staff, job analysis and economy proposals, and supervises the work of his sub-branch.
„ Bills . . .	III . . .	120	Prepares salary and travelling allowance bills of Gazetted officers and supervises the work of his sub-branch.
Acme Clerk . . .	II . . .	95	Maintains the service records of subordinate staff and prepares increment, promotion, confirmation rolls, etc.
Clerk . . .	II . . .	95	Deals with Reconstruction Staff and Divisional Superintendent's Office Staff and also prepares salary and travelling Allowance Bills of the former.
Clerk . . .	II . . .	85	Deals with cases of Transportation, Medical, Electrical and Carriage and Wagon subordinate staff.
Clerk . . .	II . . .	80	Prepares salary and travelling allowance bills.
Clerk . . .	I . . .	60	Record Keeper.
<i>Works Branch.</i>			
Clerk . . .	II . . .	95	Deals with Land acquisition, relinquishment and leases of land. Watering arrangements. Flood protection works. List of buildings. Maintenance of service buildings. Telegraphs and Telephones. Register of estimates. Maintenance of Hospital Buildings.
Clerk . . .	II . . .	80	Deals with : Leasing of Railway property (except land). Bridges and tunnels. Service works. Level crossings. Assisted sidings. Allotment of quarters (including maintenance). Roads. Cash imprest. Electric arrangements. Speed restriction.
Clerk . . .	II . . .	95	Deals with requisitions and Debit Schedules of special works and correspondence in connection therewith. Compiles monthly progress reports of Permanent Way Renewals. Maintains liability register of Special Works.
Clerk . . .	II (Offg.). 60 12		Deals with requisitions of ordinary renewals, maintenance other than Permanent Way and special Capital and new minor works including correspondence. Passes Debit Schedules, Checks Petty Store Returns and charged off accounts. Checks material statement.
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Statement showing the designation, pay, grade and duties of Muslim clerks—contd.

Designation.	Grade.	Pay.	Duties performed.
1	2	3	4
		Rs.	
<i>Works Branch—contd.</i>			
Clerk . . .	II(Offg.). 60 12 <hr/> 72	..	Exercises audit checks on muster sheets, Contractors' bills, work orders, etc. Allocates and checks incidence of cost of estimates, verification of payments from original or paid muster sheets, vouchers, etc. Correspondence in connection with the above. Upkeep of registers connected with the works, tenders work and upkeep of schedules of rates, etc., and generally supervises the work done by his assistant and is responsible for efficient work of the S. D. Os. allotted to him.
Clerk . . .	I .	57	Checks muster sheets, contractor's bills, work orders and post work registers, etc.
Temporary Clerk . .	Grade I, Class I,	30	Assists others in comparison work and deals with: Mosques, temples, praying spaces. Refreshment rooms, running rooms and rest houses. Sanitation. Plantation. Signalling and interlocking. Monthly list of works sanctioned by the Divisional Superintendent and the General Manager. Institutes and sports clubs.

Copying Branch.

Head Typist . . .	II .	95	General supervision, checking of type letters and distribution of work among typists.
Typist . . .	I .	60	Typing of letters, etc.
Typist . . .	Class I, Grade I.	35	Ditto.
Typist . . .	Do. .	45	Ditto.
Temporary Typist . .	Do. .	30	Ditto.

Transportation Branch.

Clerk . . .	II .	80	Correspondence in regard to supply and issue of coal to and from sheds and coal and cinder handling bills of contractors.
Clerk . . .	Grade II Offg.	76	Correspondence in regard to supply of stores to sheds, Train Examiners and Electrical Chargemen.
Clerk . . .	Class I, Grade I.	35	Assistant to No. 2 above.

Train Control.

Recorder . . .	Do. .	35	Card indexing of wagons received and despatched on every station of the Division.
Recorder . . .	Do. .	35	Ditto.

Statement showing the designation, pay, grade and duties of Muslim clerks—contd.

Designation.	Grade.	Pay.	Duties performed.
1	2	3	4
		Rs.	
<i>Commercial Branch.</i>			
Temporary Clerk	Class I, Grade I.	35	Deals with special Ticket Examiners' cases.
<i>Reconstruction Branch.</i>			
Depot Store Clerk	Class II, Grade I.	100	Valuation of site account. Maintenance of tools and plants. Adjustment of site accounts. Maintenance register of requisitions.
Clerk	Class I, Grade II.	65	Posts register of works and totalling. Helps in miscellaneous work.
Clerk	Class I, Grade II.	65	Muster sheets. Contractors' bills. Labour applications. Records of bills and muster sheets.
Draughtsman	II	90	Prepares renewal and other programme. Maintains P. Way diagrams and renewal graphs. Keeps a proper account of all the drawing instruments in use or in stock.
Do.	II	80	Record-keeper. Keeps an account of and distributes drawing stationery.
Ty. Draughtsman	Class I, Grade II.	65	Prepares drawings in connection with the preparation of water manual.
Do.	Do.	70	Prepares drawings.
Tracer	I	48	Prepares tracings and occasionally simple drawings.
Tracer Temporary	Class I, Grade I.	45	Prepares tracings.
Draughtsman	Class II, Grade I.	100	} Prepare drawings.
Do.	Do.	100	
Do.	Class I, Grade II.	70	
Do.	Do.	65	
Do.	Do.	65	
Do.	Do.	65	
Do.	Do.	65	
Do.	Do.	65	
Tracer	Class I, Grade I.	35	
Tracer	Class I, Grade II.	65	
Estimator	Class I, Grade II.	65	} Estimate and check contractors' Final Bills.
Do.	Do.	65	
Do.	Do.	65	
Do.	Do.	65	

PROMOTION OF MUSLIM UPPER SUBORDINATES ON RAILWAYS.

Starred question No. 1711.—(a) Seven, on the four State-managed Railways.

(b) Yes. I may add that the communal percentage fixed by Government relate only to direct recruitment and not to promotions in the service, which are made on the basis of seniority and merit, regardless of communal considerations.

(c) I understand the question refers to those Muslims who have been promoted to the lower gazetted service. The particulars required are as follows :

Railway.	Before promotion to Lower Gazetted Service.			On promotion to Lower Gazetted Service.		
	Designation.	Grade.	Pay. Rs.	Designation.	Grade. Rs.	Pay. Rs.
Eastern Bengal.	Chief Crew Inspector.	240—20—460	400	Assistant Crew Officer	350—30—800	410
Great Indian Peninsula.	Supervisor	375	375	Assistant Engineer	350—30—800	620 P. A. 5
Do. . Do.		300	300	Do. .	350—30—800	350
North Western	Inspector of Works.	400—25—450	450	Do. .	350—30—800	500
Do. . Do.		170—10—300—15—375	290	Do. .	350—30—800	380
Do. .	Superintendent, Commercial Branch.	400—20—500	500	Assistant Commercial Officer.	350—30—800	590
Do. .	Labour Warden	360—20—500	500	Assistant Personnel Officer.	350—30—800	620

Information promised in reply to starred question No. 1714 asked by Babu Kailash Behari Lal on the 2nd December, 1938.

CHANGE OF THE NAME OF BUDHAM GHAT RAILWAY STATION TO THAT OF MURHO.

(a) and (b). Budham Ghat station dates from the original construction of the railway. It fell within a mile of the important ferry which then existed at the ghat of village Budhna (or Boodham) Owing to the encroachment of the river Kosi the line is now being reconstructed. The present name of the station is being retained. Murho village is about a mile and a half south of the proposed site of the station and the village of Budhna is about a mile north. The latter is, therefore, actually nearer.

Information promised in reply to starred question No. 1742 asked by Mr. Lalchand Navalrai on the 2nd December, 1938.

DISCHARGE OF WORKMEN OF THE RAILWAY WORKSHOP, SUKKUR.

(a) The discharge of permanent workmen is not under consideration.

(b) The records of 1926 show that the number then was approximately 2,200 as against about 1,260 at present. A further reduction, by the transfer of men to other workshops, may be necessary if it is decided to arrange for certain items of work now done in the Sukkur workshops to be done elsewhere. The last part of the question does not therefore arise.

Information promised in reply to starred question No. 1746 asked by Maulvi Muhammad Abdul Ghani on the 2nd December, 1938.

CONTRACTORS EMPLOYED FOR THE SALE OF AERATED WATER IN RUNNING TRAINS.

(a) and (b). The information is given in the subjoined statement :

Railway.	Number of contractors employed for the sale of aerated water in running trains, 1931-1938.	Nationality of contractors.
Eastern Bengal . . .	Two . . .	One Parsee firm. One Hindu firm.
East Indian . . .	One . . .	Parsee firm.
Great Indian Peninsula .	One . . .	Parsee firm.
North Western . . .	1931-33, Four . . .	2 Hindu firms. 2 European firms.
	1934-38, Three . . .	2 Hindu contractors. 1 European firm.

(c) I would refer the Honourable Member to the reply I gave to part (b) of his starred question No. 1747 on the 2nd December, 1938.

Information promised in reply to starred question No. 1751 asked by Mr. Kuladhar Chaliha on the 2nd December, 1938.

INCONVENIENCES TO PILGRIMS AT RANAGHAT RAILWAY STATION.

(a) Approximately 45,000 pilgrims. The maximum number waiting at any one time was about 3,500. They had to wait for about 3 hours only and were cleared by additional special trains.

(b) About 500 passengers, but the main and island platforms both of which are partially covered in, were also utilised by pilgrims waiting for trains.

(c) See (a) above. The train service provided rendered an overnight wait unnecessary.

Sanitary arrangements were looked after by the Railway sanitary staff supervised by a Sanitary Inspector and a Sub-Assistant Surgeon.

(d) The station premises and latrines were cleaned several times each day by the Railway sweepers and Sanitary staff. No case of cholera was reported at the station nor was any report received of cholera having been carried from the station to the town.

(e) Yes, the Railway Administration in consultation with the Steamer Companies, estimated the total amount of passengers to be expected. In addition, the Steamer Companies telegraphed daily from Chandpur, Narayanganj and Barisal, the number of pilgrims travelling by their steamers and the total numbers estimated as travelling to Nabadwip *via* Ranaghat was about 39,000, but the train service from Ranaghat was so arranged that a long wait at that station was not anticipated with the traffic expected.

Information promised in reply to starred question No. 1752 asked by Mr. Muhammad Azhar Ali on the 2nd December, 1938.

DISCOURAGEMENT TO STAFF FROM JOINING TRADE UNIONS IN THE DELHI
DIVISION OF THE NORTH WESTERN RAILWAY.

(a) No.

(b) to (d). Do not arise.

Information promised in reply to unstarred questions Nos. 130, 131, 132 and 133 asked by Qazi Muhammad Ahmad Kazmi on the 2nd December, 1938.

PETTY CONSTRUCTIONS AT THE HARDWAR RAILWAY STATION.

unstarred question No. 130.—(a) Yes.

(b) Some were done by contract, and others departmentally.

(c) Tenders were invited for all works costing Rs. 5,000 or above with the exception of a few cases where the rule was relaxed with the consent of competent authority in the interests of the work.

(d) In most cases contractors were paid within six months, but in a few cases delay occurred owing to contractors having submitted claims which had to be settled.

(e) A list is attached giving the information asked for.

List of all the contractors and the work-orders issued for all works done during the Remodelling of the Station Yard and in connection with the Kumbh Mela at Hardwar.

Serial No.	Work-order.		Contractor.	Name of work.	Approximate cost.	Date of payment.
	No.	Date.				
					Rs. A.	
				<i>1936-37.</i>		
1	105	12-1-37	Mr. Brijlal Suri	Improvement to the existing pens for III class passengers at Hardwar in connection with improvement to the Hardwar Station.	5,000 0	11-6-37
2	109	Do.	Do.	Construction of station Approach road at Hardwar in connection with remodelling Hardwar Yard.	5,000 0	Do.
Suppl.	24	1-6-37	...	Do. do.	...	...
3	110	12-1-37	Mr. Sadullah	Additions and alterations to station building, waiting room, parcels and luggage office, banias' shop at Hardwar in connection with remodelling of Hardwar yard.	4,500 0	26-1-38
Suppl.	31	25-6-37				
4	116	25-1-37	Do.	Providing goods platform at Hardwar in connection with remodelling Hardwar yard.	3,350 0	16-9-37
Suppl.	29	19-6-37				

List of all the contractors and the work-orders issued for all works done during the Remodelling of the Station Yard and in connection with the Kumbh Mela at Hardwar—contd.

Serial No.	Work-order.		Contractor.	Name of work.	Approximate cost.	Date of payment.
	No.	Date.				
1936-37—contd.					Rs. A.	
5	136	3-3-37	Mr. Sadullah	Providing tie bar palisading around goods shed area at Hardwar in connection with Hardwar remodelling.	2,463 0	7-10-37
6	140	18-3-37	Do.	Dismantling and rebuilding goods shed at Hardwar in connection with remodelling Hardwar yard.	4,000 0	Do.
Suppl.	30	21-6-37				
7	141	18-3-37	Mr. Brijlal Suri	The extension of the main platform on the south end at Hardwar in connection with improvement at Hardwar Station.	1,500 0	1-6-37
8	142	Do.	Mr. Sadullah	The extension of the main platform on the north end of station building at Hardwar.	300 0	31-3-38
Suppl.	42	31-7-37				
1937-38.						
9	11	8-5-37	Mr. Mohd. Amin	Earthwork for the proposed temporary new crossing station between Chodiala and Ballakheri.	240 0	24-8-38
10	14	19-5-37	Mr. Raghubir Singh.	Earthwork in connection with doubling the track from mile 4/22 to 6/10 between Aithal and Pathri in connection with Kumbh Mela at Hardwar.	5,500 0	26-1-38
11	15	Do.	M/s. L. P. Pandey & Sons.	Earthwork in connection with doubling the track from mile 6/10 to mile 8/15	5,500 0	18-1-38
12	21/23	1-6-37	Do.	Widening of Island platform at Hardwar.	5,000 0	10-1-38
Suppl.	82	18-10-37				
13	7	10-5-37	Mr. Raghubir Singh.	Earthwork in formation for providing loop line at Suaheri in connection with Kumbh Mela.	500 0	18-10-37
14	8	Do.	Do.	Earthwork in formation for providing loop line at Balkana.	400 0	19-10-38
15	84	31-8-38	Mr. Mohd. Amin	Temporary accommodation for staff on C. B. M. Branch stations in connection with Kumbh Mela.	600 0	17-6-38
16	BW/26/37	24-9-37	M/s. L. P. Pandey & Sons.	Construction of Station building at Hardwar.	26,949 13	...
17	33	26-6-37	Mr. Sadullah	Underground cables in Mela enclosures and approach road at Hardwar to be raised to 3 feet deep from the ground level in pucca trenches with 6 feet of sand around. The cables to make 12 pucca inspection holes.	284 5	15-10-37

List of all the contractors and the work-orders issued for all works done during the Remodelling of the Station Yard and in connection with the Kumbh Mela at Hardwar—contd.

Serial No.	Work-order.		Contractor.	Name of work.	Approximate cost.	Date of payment.
	No.	Date.				
1937-38—contd.					Rs. A.	
18	34	5-7-37	Mr. A. N. Ghadoke	Earthwork in connection with doubling the track from mile 6/19 to 7/12 between Althal and Pathri in connection with Kumbh Mela at Hardwar.	2,500 0	18-11-37
19	35	12-7-37	Mr. Sadullah	Construction of Boundary wall from the new goods shed enclosure to vendors' stall at Hardwar.	1,200 0	29-11-37
20	36	14-7-37	Mr. Murarilal Kohli.	Supply of 1st class red moorum to Inspector of Works, Roorkee, at Hardwar.	200 0	7-9-38
21	43	31-7-37	Mr. Sadullah	Providing mela platform in connection with Kumbh Mela at Hardwar.	3,346 0	6-11-37
22	46	2-8-37	M/s. L. P. Pandey & Sons.	Providing foundations for the new station building at Hardwar.	4,850 0	9-4-38
23	51	12-8-37	Mr. Imtiaz Hus-sain.	Redoling cabins for avoid-ing line at Lhaksar.	225 0	8-12-37
24	55	17-8-37	M/s. L. P. Pandey & Sons.	Providing drains in pens at Hardwar in connection with remodelling at Hardwar.	1,200 0	7-9-38
25	56	19-8-37	Mr. Sadullah	Construction of goods shed approach road and culverts in connection with Hardwar remodelling.	2,300 0	9-4-38
Suppl.	105	30-10-37	...	...	2,500 0	...
Suppl.	279	31-3-38	...	...	160 0	...
26	67	8-9-37	M/s. L. P. Pandey & Sons.	Earthwork for providing new siding behind old goods platform at Hardwar in connection with remodelling Hardwar yard.	600 0	9-4-38
27	68	8-9-37	Do.	Construction of station approach road at Hardwar in connection with remodelling Hardwar yard.	3,000 0	12-4-38
Suppl.	291	8-4-38	...	...	...	...
28	76	11-10-37	Mr. Sadullah	Construction of battery charging Room at Hardwar in connection with remodelling Hardwar yard.	600 0	12-1-38
29	83	15-10-37	Do.	Dismantling the old motor ramp and rebuilding a new one at Hardwar in connection with remodelling Hardwar yard.	512 0	12-1-38
30	84	16-10-37	Do.	Vendors stall at Hardwar in connection with remodelling Hardwar yard.	2,200 0	29-6-38
Suppl.	190	19-3-38	...	...	1,100 0	...
31	85	19-10-37	Mr. Sadullah	Additions and alterations to lod banias' shop at Hardwar in connection with remodelling Hardwar yard.	825 0	...

List of all the contractors and the work-orders issued for all works done during the Remodelling of the Station Yard and in connection with the Kumbh Mela at Hardwar—contd.

Serial No.	Work-order.		Contractor.	Name of work.	Approximate cost.	Date of payment.
	No.	Date.				
					Rs. A.	
1937-38—contd.						
32	89	21-10-37	Mr. A. N. Gadhoke	Barthwork in connection with temporary new crossing station between Jawalapur and Pathri.	375 0	7-1-38
33	91	25-10-37	Mr. Sadullah	Parcel office to be converted into Railway Magistrate's court at Hardwar in connection with remodelling.	100 0	...
34	92	25-10-37	M/s. L. P. Pandey & Sons.	Extending wall of platform No. 2 at Hardwar in connection with remodelling Hardwar yard.	700 0	17-11-37
35	96	26-10-37	Mr. Sadullah	Loading and unloading of materials in connection with Kumbh Mela at Hardwar.	200 0	...
36	118	15-11-37	Do.	Dismantling and rebuilding coal bin in connection with remodelling Hardwar yard.	464 0	12-1-38
37	126	1-12-37	Mr. A. N. Gadhoke	Erection of bamboo fencing at Hardwar in connection with Kumbh Mela works at Hardwar.	1,000 0	23-3-38
38	42	15-12-37	Mr. J. B. Norton & Sons.	Providing sanitary arrangements at Hardwar.	14,350 0	...
Suppl.	...	3-8-38	Do.	Do. do.	3,152 8	...
39	140	20-12-37	M/s. Mukhtar Husan Abdul Salam Nizalml.	Barbed wire fencing along the north boundary of Hardwar Station yard.	600 0	3-8-38
40	145	31-12-37	Do.	Repairing and painting approach road in front of station building at Hardwar.	1,480 0	14-4-38
41	150	24-1-38	Mr. Sadullah	Loading and unloading of material in connection with Kumbh Mela at Hardwar.	800 0	...
42	151	Do.	Mr. Imtiaz Husain.	Temporary watering arrangements at B.K. for Kumbh Mela, 1938.	250 0	21-3-38
43	153	28-1-38	Mr. A. N. Ghadoke	Erection of sleeper fencing at Hardwar in connection with Kumbh Mela, 1938.	700 0	30-3-38
44	154	1-2-38	Mr. Lahori Ram	Manufacture and erection of 2 control towers near Mela platform and on Island near Har Ki Patti at Hardwar.	400 0	14-7-38
Suppl.	12	16-5-38	Do.	Do. do.	30 0	...
45	156	1-2-38	Mr. Sadullah	Loading and unloading material in connection with temporary doubling between Aithal and Pathri in connection with Kumbh Mela at Hardwar.	1,700 0	...

List of all the contractors and the work-orders issued for all works done during the Remodelling of the Station Yard and in connection with the Kumbh Mela at Hardwar—contd.

Serial No.	Work-order.		Contractor.	Name of work.	Approximate cost.	Date of payment.
	No.	Date.				
					Rs. A.	
1937-38—contd.						
46	158	1-2-38	Mr. Sadullah	Loading and unloading material in connection with Kumbh Mela arrangements.	80 0	15-9-38
47	159	3-2-38	Mr. A. N. Gadhoke	Repairing and remetalling goods shed at Rikhikesh in connection with Kumbh Mela, 1938.	250 0	21-3-38
48	160	Do.	M/s. Khayali Ram & Sons.	Supplying on hire tents, shoulderies, shamianas in connection with Kumbh Mela at Hardwar during 1938.	5,974 4	3-8-38
49	164	8-2-38	Mr. Mukhtar Ahmed.	Supply of labour to work at Hardwar.	155 0	26-8-38
50	168	22-2-38	M/s. Kanhya Lal & Sons.	Supply of marble tablets for Hardwar.	61 0	11-4-38
51	170	23-2-38	Mr. Sukhawat Hussain.	Supply of 1,600 chatais for Kumbh Mela, Hardwar.	250 0	28-3-38
52	174	9-3-38	Mr. A. N. Gadhoke	Erecting old sleeper fencing and other temporary works at Rikhikesh in connection with Kumbh Mela, Hardwar.	1,500 0	30-6-38
Suppl.	276	30-3-38				
53	176	18-3-38	Mr. Hardia Singh	Erecting old sleeper fencing and other temporary works at Raiwala in connection with Kumbh Mela, Hardwar.	275 0	28-4-38
54	177	Do.	Mr. Sadullah	Erecting old sleeper fencing and other temporary works at Jawalapur in connection with Kumbh Mela at Hardwar.	800 0	Do.
Suppl.	277	30-3-38				
55	179	18-3-38	Mr. M. Abdul Latif.	Erection of temporary enquiry offices at Hardwar.	800 0	15-9-38
56	181	Do.	Do.	Erection of temporary first-aid hut and hut for lost persons under the Crows' Nest at Hardwar.	140 0	20-9-38
57	180	Do.	Do.	Erection of temporary signal goomties.	190 0	15-9-38
58	182	Do.	Do.	Temporary vendors' stall in circulating area at Hardwar.	90 0	6-10-38
59	183	Do.	Mr. Sadullah	Making sleeper walling in front of block No. T. 115, T. 12 and E. 2 in connection with Kumbh Mela at Hardwar.	40 0	12-4-38
60	184	18-3-38	Mr. Mukhtar Hussain.	Erection of sleeper walling in Rikhikesh pen and staff quarters at Hardwar.	500 0	14-4-38

List of all the contractors and the work-orders issued for all works done during the Remodelling of the Station Yard and in connection with the Kumbh Mela at Hardwar—contd.

Serial No.	Work-order.		Contractor.	Name of work.	Approximate cost.	Date of payment.
	No.	Date.				
1937-38—contd.					Rs. A.	
61	185	18-3-38	Mr. Sadullah	Erecting guard rail barrier along face of goods shed platform wall at Hardwar.	300 0	31-3-38
62	186	Do. .	Do. .	Making pucca ramp for goods shed platform to goods shed road at Hardwar.	40 0	31-3-38
63	187	Do. .	Do. .	Erecting electric light poles, rail posts and sal bulls posts and guying anchors at Hardwar.	1,520 0	31-3-38
64	188	19-3-38	Do. .	Additions and alterations to G. R. Police office at Hardwar.	300 0	14-4-38
65	191	Do. .	Do. .	Repairs to floors and wall of old Inspector's rest room and bathroom at Hardwar.	280 0	14-4-38
66	192	Do.	M/s. L. P. Pandey & Sons.	Spreading moorum on island platform at Hardwar.	125 0	31-3-38
67	193	Do. .	Mr. Sadullah	Providing shelves in battery charging room at Hardwar.	90 0	Do.
68	197	Do. .	Do. .	Building pucca brick pillars and manufacturing gates and palisade fencing at entrance of goods shed road, Hardwar.	140 0	Do.
69	198	Do. .	Do. .	Making sump in front of retiring room at Hardwar.	75 0	Do.
70	199	Do. .	M/s.*L. P. Pandey & Sons.	Building 40' ashpit near loco shed at Hardwar in connection with Kumbh Mela.	500 0	Do.
71	203	21-3-38	Mr. Sadullah	Building temporary luggage and parcel offices in front of retiring room at Hardwar.	550 0	9-4-38
72	207	Do. .	Do. .	Making R. C. shelves for records in new goods shed at Hardwar.	110 0	8-4-38
73	208	Do. .	Do. .	Mela platform—erection of tie bar fencing sliding gates and sleeper walling at Hardwar.	2,100 0	11-11-38
74	210	Do. .	Do. .	Building temporary office under overhead tank for power department at Hardwar.	270 0	28-4-38
75	212	Do. .	Do. .	Hardwar Station—Providing dade and floor in III class waiting hall.	1,930 0	14-7-38
76	214	Do. .	M/s. L. P. Pandey & Sons.	Building temporary urinals in front of the III class waiting hall at Hardwar.	30 0	9-4-38

List of all the contractors and the work-orders issued for all works done during the Remodelling of the Station Yard and in connection with the Kumbh Mela at Hardwar—contd.

Serial No.	Work-order.		Contractor.	Name of work.	Approximate cost.	Date of payment.
	No.	Date.				
					Rs. A.	
				1937-38—contd.		
77	215	21-3-38	Ganga Glass Works, Balawali	Supplying of broken glasses for Hardwar in connection with Kumbh Mela.	91 0	31-3-38
78	216	22-3-38	Mr. Mukhtar Hussain.	Erecting and manufacturing dwarf tie bar palisade fencing round station garden and parcel office and crews nest at Hardwar.	1,215 0	30-4-38
79	217	Do. .	Mr. Sadulla .	Erecting tie bar palisading fencing along old goods shed road at Hardwar.	550 0	12-7-38
80	218	Do. .	Do. .	Erecting old sleeper fencing etc. in connection with Closing with Bhimgoda and Tunnel Halts.	240 0	28-4-38
81	220	Do. .	Mr. Lohari Ram .	Manufacturing and erecting Lean shed on station platform in front of pilgrim Pens at Hardwar.	800 0	31-3-38
82	221	Do. .	Do. .	Erecting temporary enquiry office on Rohri Island for Kumbh Mela at Hardwar.	400 0	5-8-38
83 Suppl.	222 18	22-3-38 7-7-38	Mr. Mukhtar Hassan.	Manufacturing and erecting of Sliding gates and swing gates at Hardwar.	425 0	14-7-38
84	223	22-3-38	Do. .	Erecting and manufacturing Tie bar Palisading along Goose Shed Road including motor Ramp at Hardwar.	800 0	14-6-38
85	224	Do. .	Do. .	Manufacture of Swing gates for Main platform and Mela platform at Hardwar.	45 0	14-4-38
86	225	Do. .	Do. .	Erecting and manufacturing Tie bar palisade fencing for Parcel enclosure at Hardwar.	190 0	14-4-38
87	227	23-3-38	M/s. L. P. Pande & Sons.	Erecting over head Tanks and steel tank stagings at Hardwar in connection with Kumbh Mela works.	3,700 0	4-6-38
88	228	Do. .	Mr. Sadulla .	Building pucca drain in front of III class Waiting Halls and boundary walls for removing flood water at Hardwar.	1,000 0	31-3-38
89	229	Do. .	M/s. L. P. Pande & Sons.	Making masonry steps at base of ladder of Crows Nest and concreting Rail-posts at Hardwar.	400 0	12-4-38
90	230	Do. .	Do. .	Hardwar station—Metallizing road between Parcel and G. R. P. office and station godown.	330 0	31-3-38
91	231	Do. .	Mr. Sadulla .	Erecting Tie bar palisading in Pilgrim pens at Hardwar.	45 0	23-5-38

List of all the contractors and the work-orders issued for all works done during the Remodelling of the Station Yard and in connection with the Kumbh Mela at Hardwar—contd.

Serial No.	Work-order.		Contractor.	Name of work.	Approximate cost.	Date of payment.
	No.	Date.				
1937-38—contd.					Rs. A.	
92	232	24-3-38	M/s. L. P. Pande & Sons.	Building Temporary oil godown and Lamp trimming shed under overhead bridge at Hardwar.	200 0	19-6-38
93	233	Do. .	Do. . .	Hardwar station—Providing steps to Retiring room.	150 0	29-4-38
94	234	Do. .	Do. . .	Proposed platform wall of new Stabling siding No. 6 for excursion train.	650 0	1-7-38
95	235	Do. .	Mr. Sangta Singh.	Making temporary sleeper hospital and dispensary at Hardwar.	650 0	12-4-38
96	236	Do. .	Mr. Har Dial Singh.	Making sleeper huts complete with doors windows in connection with Kumbh Mela 1938 at B1W, MZM, NBD, DPR.	400 0	1-8-38
97	238	23-3-38	M/s. L. P. Pande & Sons.	Providing drain in front of station Ramp from and parcel office and curb on road side at Hardwar.	380 0	31-3-38
98	239	Do. .	Do. . .	Erection of Bambo fencing at Mela platform at Hardwar in connection with Kumbh Mela work.	660 0	8-4-38
99	240	Do. .	Do. . .	Erection of Bamboo fencing with rail posts and angle iron runners at Hardwar in connection with Kumbh Mela works.	680 0	31-3-38
100	241	Do. .	Mr. Sadulla	Erecting heavy sleeper crib for 11,000 gallons overhead tank in connection with temporary watering arrangement for Kumbh Mela.	350 0	29-6-38
101	242	Do. .	Do. . .	Shifting wagon body on Island platform and loading motor road roller.	35 0	12-7-38
102	243	Do. .	Do. . .	Supplying sawyers for sawing old Sleepers and Carpenters for Miscellaneous work.	160 0	11-4-38
103	245	29-3-38	Do. . .	Fixing glass on top of Boundary Wall at Hardwar.	190 0	31-3-38
104	247	Do. .	Mr. Mukhtar Hassan.	Manufacturing ladder for Crow's Nest at HW.	110 0	14-4-38
105	248	Do. .	M/s. L. P. Pandey & Sons.	Rebuilding of Kutchapucca walls in foundation of old station buildings at Hardwar.	600 0	31-3-38
106	249	Do. .	Do. . .	Provision of settling tank and 6 seated latrine at Hardwar.	700 0	31-3-38
107	250	Do. .	Mr. Sadulla	Making three Piyao (Watering posts in Mela area at Hardwar).	100 0	30-8-38

List of all the contractors and the work-orders issued for all works done during the Remodelling of the Station Yard and in connection with the Kumbh Mela at Hardwar—contd.

Serial No.	Work-order.		Contractor.	Name of work.	Approximate cost.	Date of payment.
	No.	Date.				
1937-38—contd.					Rs. A.	
108	251	23-3-38	Mr. Sadulla .	Erecting collapsible gate at entrance to Sub way and overhead bridges at Hardwar.	230 0	31-3-38
109	252	Do.	Do.	Erecting hand railing in centre of Sub way at Hardwar.	95 0	31-3-38
110	253	Do	M/s. L. P. Pandey & Sons.	Providing temporary Latrines in connection with Kumbh Mela Works at Hardwar	2,000 0	11-4-38
111	254	Do. .	Mr. Sadulla .	Erecting steel tank near Septic tank and mela platform at Hardwar.	100 0	30-8-38
112	255	Do.	Do. . .	Erecting passenger platform shed at Hardwar.	2,950 0	12-4-38
113	256	Do.	Do.	Flag stone flooring in III Class area at Hardwar.	100 0	12-4-38
114	258	Do.	Do.	Loading & unloading earth for III Class concourse area at Hardwar.	50 0	14-10-38
115	259	Do.	Do.	Erection of III Class temporary booking offices with Boiler Tube barriers at Hardwar.	920 0	6-8-38
116	260	Do.	Do.	Relaying flag stones in pens after monsoon at Hardwar.	340 0	12-7-38
117	261	Do.	Do.	Temporary Works for Power Department in connection with Kumbh Mela Works at Hardwar.	1,110 0	30-6-38
118	262	Do. .	M/s. L. P. Pandey & Sons.	Erecting Fountain in front of station Building at Hardwar.	198 0	31-3-38
119	263	Do. .	Mr. Sadulla .	Providing booking windows and Barriers in pilgrims Shed.	750 0	30-6-38
120	264	30-3-38	Mr. Abdul Latif	Erection of temporary sleeper ' office for train Lighting & H. T. X. R. Offices at Hardwar.	180 0	22-9-38
121	265	Do. .	Mr. Imtiaz Hus-sain.	Erecting of sleeper huts for staff at Ballakheri Chodiala & Iqbalpur in connection with Kumbh Mela.	175 0	28-4-38
122	266	Do. .	M/s. Sen & Sanyal	Hardwar—Providing modern washing facilities in the Hindu Refreshment Room Hardwar.	338 0	12-7-38
123	267	Do. .	Mr. A. N. Ghadoke	Providing sleeper huts for staff and station at new crossing station between Jawalapur and Pathri in connection with Kumbh Mela 1938.	190 0	18-5-38
124	268	Do. .	Mr. Imtiyaz Hus-sain.	Providing sleeper huts for crossing station between Ballakheri and Chodiala in connection with Kumbh Mela, 1938.	200 0	28-4-38

List of all the contractors and the work-orders issued for all works done during the Remodelling of the Station Yard and in connection with the Kumbh Mela at Hardwar—contd.

Serial No.	Work-order.		Contractor.	Name of work.	Approximate cost.	Date of payment.
	No.	Date.				
1937-38—concltd.					Rs. A.	
125	269	30-3-38	Mr. Hardial Singh	Erection of sleeper huts for station building and staff quarters on station Landhaura, avoiding line, Lhaksar and Aithal in connection with Kumbh Mela.	550 0	28-4-38
126	272	Do. .	Do. . .	Making temporary sleeper hospital for infectious diseases at Lhaksar.	140 0	14-6-38
127	274	Do. .	M/s. L. P. Pandey & Sons.	Foundation and race bases of gate posts on main station road at Hardwar.	750 0	31-3-38
128	275	Do. .	Do. . .	Manufacturing and supplying material for 10 seated urinals in circulating area at Hardwar.	260	31-3-38
129	278	Do. .	Do. . .	Erection of foot over bridge at Hardwar.	3,000 0	29-6-38
130	280	31-3-38	Do. . .	Ash filling and cement plaster in floors and walls of new station building at Hardwar.	580 0	9-4-38
131	281	Do. .	Do. . .	Miscellaneous in connection with station building at Hardwar.	350 0	19-7-38
132	282	2-4-38	Mr. Sadulla .	Erecting heavy section sleeper circle including foundation for 36,000 gallons overhead tank in connection with temporary watering arrangements for Kumbh Mela at Hardwar.	2,550 0	29-6-38
133	283	5-4-38	Do. . .	Erection of Banla's shop at Hardwar.	135 0	12-4-38
134	286	Do. .	Mr. Abdul Latif .	Manufacture and erection of telephone Goomties and dismantling sleeper walling at Hardwar.	185 0	30-6-38
135	290	6-4-38	Mr. Imtiyaz Hussain.	Erecting temporary latrine at Khanalampura West etc. and supplying matting for doors and windows etc. temporary huts at stations on Roorkee beat in connection with Kumbh Mela.	35 0	28-4-38
1938-39.						
136	1	13-4-38	Mr. Sri Ram Gaur	Supply of cement for Hardwar proposed Remodelling of station building.	1,050 0	19-4-38
137	2	16-4-38	Mr. Mukhtar Hussain.	Supplying wheels for sliding gates and manufacturing tie bar pallsading fencing at Hardwar.	250 0	30-4-38
138	3	19-4-38	Do. . .	Manufacturing 4 Nos. sliding gates for main entrance to station at Hardwar.	375 0	14-7-38

List of all the contractors and the work-orders issued for all works done during the Remodelling of the Station Yard and in connection with the Kumbh Mela at Hardwar—concl'd.

Serial No.	Work-order.		Contractor.	Name of work.	Approximate cost.	Date of payment.
	No.	Date.				
1938-39—concl'd.					Rs. A.	
139	4	20-4-38	Mr. Sadulla	Erecting old sleeper fencing in connection with Kumbh Mela works at Hardwar.	60 0	30-8-38
140	5	Do. .	Do. .	Providing wall for tank of dumping shoot at Hardwar in connection with Kumbh Mela Works.	35 0	30-8-38
141	7	23-4-38	Do. .	Supplying Brick bats in connection with Kumbh Mela Works, Hardwar.	120 0	15-9-38
142	8	25-4-38	Mr. Lahori Ram	Shed with old material on Main Platform and central tower on Rohri Island.	50 0	24-9-38
143	9	27-4-38	M/s. Sen & Sanyal	Laying additional pipe connection for water supply at Hardwar in connection with Kumbh Mela works at Hardwar.	800 0	30-8-38
144	15	26-5-38	M/s. L. P. Pandey & Sons.	Manufacturing and erecting R. C. latrines and urinals in 3rd Class area at Hardwar.	4,000 0	18-6-38
145	19	7-7-38	Mr. Sadulla	Raising fare table boards at Hardwar in connection with Kumbh Mela Works.	20 0	30-8-38
146	23	8-7-38	Do. .	Supplying carpenters for repairing latrines in connection with Kumbh Mela at Hardwar.	200 0	11-11-38
147	24	Do. .	Mr. Lahori Ram	Erecting banked wire fencing on top of Tie bar fencing at Hardwar in connection with Kumbh Mela Works.	300 0	8-8-38
148	25	Do. .	M/s. L. P. Pandey & Sons.	Making temporary kitchen for camp etc. at Hardwar.	430 0	7-9-38
149	26	Do. .	Do. .	Hardwar Station—Polishing mosaic work waiting rooms and concourse.	760 0	7-9-38
150	27	13-7-38	Mr. Sadulla	Erecting banked wire fencing on top of tie bar fencing at Hardwar in connection with Kumbh Mela.	250 0	2-9-38
151	28	Do. .	M/s. Sen & Sanyal	Laying 6" earthwork channel drain half round for urinal in mela pen at Hardwar.	1,200 0	2-9-38
152	29	18-7-38	Do. .	Laying pipe line work at Hardwar in connection with Kumbh Mela	4,150 0	10-8-38
153	31	26-7-38	Mr. Imtiyaz Hus-sain.	Dismantling the temporary watering arrangements at Roorkee made in connection with Kumbh Mela.	317 0	7-9-38
154	40	1-8-38	Mr. Wahid Hus-sain Khan.	Supply of mats for Kumbh Mela at Hardwar.	26 0	18-10-38
155	43	3-8-38	Mr. Mukhtar Hassan.	Making light cribs for circular tanks.	540 0	...
156	48	24-8-38	Mr. Lahori Ram	Dismantling Crow's nest and enquiry office at Rohri Island in connection with Kumbh Mela.	120 0	15-11-38

EXPENSES IN CONNECTION WITH CONSTRUCTIONS UNDERTAKEN DURING THE KUMBH MELA.

Unstarred question No. 131.—The preparation of such a comparative statement involves labour which is not commensurate with the value of the information.

TENDERS AND WORK ORDERS GIVEN DURING THE KUMBH MELA.

Unstarred question No. 132.—It is regretted that the amount of labour involved in making copies of the voluminous papers in this connection is prohibitive.

TENDERS INVITED FOR THE SUPPLY OF BOULDERS FOR STOCKING ON HARDWAR DEHRA DUN AND KOTDWARA SECTIONS.

Unstarred question No. 133.—(a) Yes.

(b) No. The demand was reduced but before the final acceptance of the tender.

(c) The calling of fresh tenders was not considered necessary.

(d) No.

(e) Details required are given in the attached statement.

Abstract of rates quoted for the supply of boulders.

Tenderers.	Sources of supply.	Quantity offered.	Rate.	Remarks.
			per cent. per c. ft.	
1. Brij Lal Suri .	Doiwala, Lachheowala, Motichur, Raiwala, Kotdwara, Hardwar, Jawalapur and Pathri.	4 lacs c. ft. 1 lacs.	6 0 0 7 8 0	1. The contractor stipulated to accept 5 per cent. less if the order for the entire supply was placed with him.
2. Raghubir Singh	Kotdwara . . .	..	6 0 0	2. Tender rejected as no earnest money was deposited.
	Dhora Bank . . .	..	8 0 0	
3. Mukhtar Hasan	Between Hardwar and Dehra Dun along the Railway line.	..	6 0 0	
4. Sadulla . . .	At Raiwala, Doiwala, Harrawala, Rikhikesh, Kotdwara.	..	6 0 0	4. This was rejected as the offer was not made or proper tender form and no earnest money was deposited.
	Between above stations .	..	5 10 0	
	At Hardwar and Jawalapur.	..	9 0 0	
5. Buggan Lall .	Dehra Dun, Doiwala, Kansrao, Hardwar, Pathri.	..	9 6 0	

Information promised in reply to part (c) of starred question No. 1772 asked by Mr. Sri Prakasa on the 5th December, 1938.

REPORT OF THE NEW DELHI MUNICIPALITY.

(c) A statement is laid on the table.

Statement showing amount paid by Government to the New Delhi Municipal Committee on account of house tax, water rate, and electric rate.

Electric rate 1937-38.	Water rate 1937-38.	House tax 1937-38.	Total.
Rs.	Rs.	Rs.	Rs.
6,53,200	1,24,200	1,23,000	9,00,400

Information promised in reply to starred question No. 1773 asked by Mr. Surya Kumar Som on the 5th December, 1938.

HOUSES CONSTRUCTED IN FAIZ GANJ ESTATE, DARYA GANJ, DELHI.

(a) (i) Yes.

(ii) Yes.

(iii) Yes.

(iv) As there is no proper drainage, insanitary conditions are likely to arise.

(v) Yes.

(b) Faiz Ganj is a privately owned area and the responsibility for providing streets and drains rests initially with the landlord and house-owners. Light is provided by the Committee in such areas when 75 per cent. of the house owners apply for it. The Committee's only remedy in this particular case is now to make use of section 171 of the Punjab Municipal Act, 1911, as in force in Delhi, and it is understood that this is being done.

Information promised in reply to starred question No. 1781 asked by Mr. Muhammad Azhar Ali on the 5th December, 1938.

APPOINTMENT OF AN OPTICIAN IN THE IRWIN HOSPITAL, NEW DELHI.

(a) No. The Honourable Member has probably been led to this conclusion by the description of a certain firm, printed on the prescription form, as official opticians to the Irwin Hospital. This is not, however, meant as a limitation of the patient's freedom of choice but only as a guide to a reliable firm.

(b) and (c). The hospital authorities are satisfied that their recommendation of a reliable firm is in the patient's own interest. As the patient is not bound to buy his glasses from the recommended firm, the question of calling for tenders, etc., does not arise.

Information promised in reply to starred questions Nos. 1792 to 1795 asked by Mr. R. N. Basu on the 5th December, 1938.

ESTABLISHMENT OF A MEDICAL COLLEGE IN DELHI.

Starred question No. 1792.—(a) 77.

(b) 9. The Delhi administration nominates three candidates annually and pays the capitation charges of two candidates. The third candidate pays his own charges.

(c) The desirability of providing a Men's Medical College in Delhi has been brought to the notice of Government, but in the present financial circumstances no definite proposals can be considered.

(d) No. It is not possible to provide any greater facilities at present.

BACHELOR OF SCIENCE STANDARD OF THE DELHI UNIVERSITY.

Starred question No. 1793.—(a) Yes.

(b) Yes.

(c) The reply to the first part is in the negative. The second part does not arise.

STARTING OF MASTER OF SCIENCE CLASSES IN THE DELHI UNIVERSITY.

Starred question No. 1794.—(a) The question of starting Honours and M.Sc. classes in Physics and Chemistry has been engaging the attention of the University but owing to lack of funds and pending the reconstruction of the University course the question has been deferred.

(b) Graduates can only endeavour to secure admission to neighbouring Universities.

(c) No. The scholarships of the University are meant for the prosecution of studies at the University.

ELIGIBILITY OF THE DELHI UNIVERSITY GRADUATES FOR PROVINCIAL SERVICES.

Starred question No. 1795.—(a) Yes.

(b) For recruitment purposes, degrees of the Delhi University are recognised by the Punjab Government and officers subordinate to it but the recruitment rules of some of the services in the Punjab make a Delhi or Punjab domicile a requisite for appointment while those of others require only an Indian domicile. In the United Provinces also, the degrees of the Delhi University are recognised for the purposes of recruitment to the Provincial Services, but in some cases the candidates are required to possess also prescribed qualifications regarding nationality, domicile and residence.

(c) Delhi University graduates are eligible to appear at competitive examinations held for recruitment to certain posts under the Central Government and are also given preference for appointment to posts under the Delhi Administration.

Information promised in reply to starred question No. 1804B asked by Mr. Kuladhar Chaliha on the 5th December, 1938.

SEAM OF COAL FOUND IN LAKHIMPUR FRONTIER TRACTS AND NAGA HILLS IN ASSAM.

Enquiries have been made but no information is available regarding any recent discoveries of coal in the areas in question.

Information promised in reply to starred question No. 1804C asked by Mr. Lalchand Navalrai on the 5th December, 1938.

GRANTS-IN-AID TO THE CHARITABLE EYE HOSPITALS IN DELHI.

(a) Yes.

(b) The total grants made during the last three years were as follows :

	Rs.
Dr. Shroff's Charitable Eye Hospital	20,000
Dr. Jeshua's Hospital	300

The Chief Medical Officer is a member of the Board of Trustees of Dr. Shroff's Hospital, but Government exercise no control over its administration. The other hospital is a small dispensary, which was inspected from time to time by the Chief Medical Officer. The grant has been discontinued for 1938-39, as the dispensary has been doing very little work.

(c) No such condition was imposed by Government but the knowledge that no fees are charged from patients, undoubtedly influenced Government's decision to assist the hospital.

(d) One complaint was made to the Chief Commissioner. Government are not aware of any reference to the subject in the press.

(e) No. Patients are at liberty to obtain their spectacles from any firm they desire. The rest of the question does not arise.

Information promised in reply to parts (a), (b) and (c) of starred question No. 1814 asked by Mr. Manu Subedar on the 6th December, 1938.

LICENSING OF BANKS IN INDIA.

(a) and (c). A statement is laid on the table.

(b) No.

Statement showing banks in operation in India as on the 31st March, 1937, and bank failures from 1st April 1918 to 31st March, 1937.

Class of Banks.	No. of banks at work in India on the 31st March, 1937.	No. of banks that went into liquidation or otherwise became defunct from 1st April 1918 to 31st March 1937.
(a) Non-Indian*	18	3†
(b) Indian (Joint Stock)	1,648	412
(c) of (b) registered in Indian States	468	121

* Figures relate to 31st December, 1936.

† Closed their branches in India.

Information promised in reply to starred questions Nos. 1840, 1851 and 1852 asked by Mr. Brojendra Narayan Chaudhury on the 6th December, 1938.

ASSESSMENTS TO INCOME-TAX OF RENTS FROM FISHERIES.

Starred question No. 1840.—(a) Yes, under 'Other sources'.

(b) Yes, under section 12 (2) of the Indian Income-tax Act

(c) Yes.

(d) No maximum allowance is fixed. Reasonable expenditure is allowed.

(e) No.

"WINE OR BAND FUND" MENTIONED IN THE INCOME-TAX MANUAL.

Starred question No. 1851.—No. "Wine Fund" at present exists.

HOLDING UP OF ALL VEHICULAR TRAFFIC ON THE RIVER BANK ROAD IN DELHI PROVINCE.

Starred question No. 1852.—(a) Yes.

(b) The complaint has some justification, and suitable instructions on the subject have been issued.

Information promised in reply to starred question No. 1853 asked by Mr. M. Anunthasayanam Ayyangar on the 6th December, 1938.

CRITERION FOR SELECTION OF PERSONNEL FOR POSTS ABOLISHED IN THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, MADRAS.

(a) No new principle was introduced.

(b) Does not arise.

(c) It is possible that some persons, who were informed when recruited that they were liable for service in Burma, have been retained in Madras; Government do not, however, propose to take any action.

(d) The option of transfer to Burma on foreign service terms or the concession of 28 months' leave to officers who chose to retire prematurely, was allowed only to those officers who had been recruited on an all-India basis. The case of the clerks in the Posts and Telegraphs Audit offices is not comparable. Government do not propose to take any further action.

(e) Yes. This was impracticable for administrative reasons.

Information promised in reply to part (d) of starred question No. 1862 asked by Mr. Muhammad Nauman on the 7th December, 1938.

“SMALLS QUICK TRANSIT SERVICE” ON THE EAST INDIAN RAILWAY.

(d) The number of Muslims now employed on the Van Goods Service is 288 as follows :—

Divisional Transit Inspector	.	.	.	.	.	.	.	.	.	1
Guards	.	.	.	.	.	.	.	.	.	48
Drivers	.	.	.	.	.	.	.	.	.	18
Firemen	.	.	.	.	.	.	.	.	.	34
Inferior servants	.	.	.	.	.	.	.	.	.	187

Information promised in reply to starred questions Nos. 1865 and 1866 asked by Qazi Muhammad Ahmad Kazmi on the 7th December, 1938.

REMODELLING OF HARDWAR RAILWAY STATION.

Starred question No. 1865.—(a) The estimated cost was Rs. 2,32,964. Figures for actual expenditure incurred are not at present available as the accounts have not yet been closed.

(b) Staff engaged on the work in the categories stated by the Honourable Member were as follows :

(i) Temporary staff consisting of one draftsman and two clerks at a cost of Rs. 1,500.

(ii) Nil.

(iii) 748 men at a cost of Rs. 14,857.

(c) and (d). No.

(e) Yes. Some fine cracks were noticed in the plaster but they were not due to defective construction.

(f) No.

(g) As there were no defects in the construction, this does not arise.

REMODELLING OF HARDWAR RAILWAY STATION.

Starred question No. 1866.—(a) The platform having been constructed according to plans prepared, it was subsequently decided to lower its outer edge by three inches (the thickness of one brick) in order to provide a slope for drainage.

(b) The level of the track had to be lowered by the same amount within the length of the platform.

(c) and (d). The cost of making this alteration was about Rs. 200, the cost being borne by the Railway, as the Contractor was not responsible.

Information promised in reply to parts (d), (f) and (i) of starred question No. 1890 asked by Mr. K. S. Gupta on the 7th December, 1938.

PORT DUES AND LANDING CHARGES IN THE VIZAGAPATAM PORT.

(d) and (f). No.

(i) The Honourable Member presumably refers to the lighter channel which is not wide enough to permit of tugs being manœuvred in it. Lighters are accordingly manhandled along it but are towed to vessels from its mouth.

Information promised in reply to starred question No. 1947 asked by Mr. Govind V. Deshmukh on the 7th December, 1938.

OVERCROWDING AND DETENTION OF A TRAIN WITHOUT LIGHTS AT GHOL-SHAHPUR ON THE KALIGHAT-FALTA RAILWAY.

(a) There was no train timed to leave Majherhat station at 3/19 hours on 22nd Kartik. No. 17 Up scheduled to leave Majherhat at 17-55 hours actually left at 18-02 hours.

The electric wire couplings had been tampered with and damaged by the rush of passengers. The train stopped at Gholeshapur, the next station. The train was detained while endeavours were made to repair this damage. Further detention was caused by some monthly ticket-holders assaulting a railway employee.

(b) No.

(c) Extra arrangements were made at Gholeshapur. Special checkers were provided and also extra staff were deputed to look after the comforts of the pilgrims, especially women and children. Passengers, however, kept continually pouring in from all directions across the railway lines in spite of adequate fencing, many of them without tickets.

(d) Yes. Passengers insisted on travelling by this train, although there was another to run shortly after. As regards the second part of the question, there are no rules prohibiting the running of night trains without lights in passenger compartments. As it was not found possible to repair the damage to the electric wiring, offers were made by the Railway staff to provide oil lamps.

(e) Passengers themselves were responsible for the major part of the delay.

Information promised in reply to part (e) of starred question No. 1981 and part (a) of starred question No. 1982 asked by Mr. C. N. Muthuranga Mudaliar on the 8th December, 1938.

RESEARCHES IN THE BOSE INSTITUTE, CALCUTTA.

Starred question No. 1981.—Part (e). The present Director of the Bose Research Institute was appointed by the Governing Body of the Institute.

RESEARCHES IN THE BOSE INSTITUTE, CALCUTTA.

Starred question No. 1982.—Part (a). The number of research workers (students and staff) at the Bose Research Institute is 19. Of these, one is from the United Provinces, one from Assam, and the rest from Bengal.

Information promised in reply to starred question No. 2039 asked by Sardar Sant Singh on the 9th December, 1938.

DECISION TO BUILD A STORE ROOM AT A CORNER OF THE QUEEN'S GARDEN, DELHI.

(a) and (b). Yes.

(c) and (d). The Municipal Engineer submitted the following report to the Municipal Committee on the 6th August, 1931 :

"Where we were going to build the Medical Store just inside the West Clarke's Gate, Chandni Chowk side, a large crowd of Mohammadans are digging the foundation and assert there was a mosque here. I have seen the spot twice but nothing can be said so far whether there is any truth in the assertion."

(e) No.

(f) Does not arise.

(g) The matter was fully investigated but not on a complaint by the Municipal Committee. The Deputy Commissioner did not consider that the evidence was sufficient to establish that a mosque had existed there.

(h) Yes.

(i) Yes, on the understanding that the place would be railed off and that the Muslims would be allowed to make use of it as a place of worship only and for no other purpose.

(j) 61' x 46'.

(k) The Municipal Committee decided to provide a railing on the East and North sides but actually provided one on the East side only.

(l) Yes.

(m) In view of other encroachments it was considered desirable to take action in such cases together and not singly. A complete list is under preparation and action will be taken thereon.

(n) Yes, but action was deferred for the reason which I have just mentioned.

(o) No.

Information promised in reply to starred question No. 2058 asked by Mr. Lalchand Navalrai on the 12th December, 1938.

DACOITIES COMMITTED IN CERTAIN VILLAGES OF DADU DISTRICT IN SIND.

(b) There are Levy Thana's along the Sind border of the Nasirabad Tahsil and Kalat State for watch and ward purposes.

(c) Since 1935, until the present outrage there have been no serious dacoities along the border. The Kalat State authorities have captured six and killed one of the alleged offenders.

(d) Conventions have been evolved for the pursuit and arrest of offenders crossing the Sind-Baluchistan border by which the Sind Police may continue in pursuit into Baluchistan, including the Kalat and Las Bela States, under certain conditions.

(e) Yes. The Baluchistan Administration and the Kalat State have been co-operating with the Sind authorities in preventing dacoities to the extent of their resources.

(f) The existing arrangements have worked fairly well, and it is proposed to continue on the same lines.

MOTIONS FOR ADJOURNMENT.

ECONOMIC AND PENAL BLOCKADE AGAINST THE AHMADZAI TRIBE OF THE TRIBAL BELT BETWEEN DERAJAT AND WAZIRISTAN.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has received several notices of adjournment motions. The first one is in the name of Mr. Asaf Ali. He wants to move the adjournment of the business of the House to discuss an urgent matter of public importance, namely, the enforcement of an economic and penal blockade against the Ahmadzai tribe of the Tribal Belt between Derajat and Waziristan, and preventing even Waziri lawyers from continuing their professional work at the Bar

in Bannu. Has the Honourable Member received the consent of the Governor General to this motion, because it relates to a tribal area?

Mr. M. Asaf Ali (Delhi: General): I have not received any sanction from the Governor General. I think I had authorised the Secretary to try and get it.

Secretary of the Assembly: No.

Mr. President (The Honourable Sir Abdur Rahim): It is not for the Secretary to get the sanction. The Honourable Member has got to get it himself. So this goes out.

INDIANISATION OF THE INDIAN ARMY.

Mr. President (The Honourable Sir Abdur Rahim): Then, the next notice of adjournment motion is also by Mr. Asaf Ali. He wants to discuss an urgent matter of public importance, namely, the appointment of a Committee by Government in contravention of the Resolution adopted by the Assembly on September the 2nd, 1938, on the subject of implementing the recommendations of the Skeen Committee's Report that the progress of the Indianisation of the Indian Army should be reviewed in 1938. This has been disallowed by the Governor General under rule 22 (2) on the ground that the motion cannot be moved without detriment to public interest.

The next motion by Sardar Mangal Singh also relates to the same thing, and that has also been disallowed by the Governor General on the same ground.

Then, the next motion is by Mr. Avinashilingam Chettiar on the same subject, and that has also been disallowed.

CONTINUED DETENTION OF MESSRS. BHAISHAMPAIN, BHAWANI SAHAI AND JAWALA PRASAD.

Mr. President (The Honourable Sir Abdur Rahim): Then, there is notice given by Mr. Mohan Lal Saksena of another adjournment motion. He wants to move the adjournment of the House to consider a definite matter of urgent public importance, namely the continued detention of Messrs. Bhaishampain, Bhawani Sahai and Jawala Prasad. When was this order passed?

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): This order was passed about five years ago.

Mr. President (The Honourable Sir Abdur Rahim): It has to be disallowed.

DERAILMENT OF THE DEHRA DUN EXPRESS.

Mr. President (The Honourable Sir Abdur Rahim): Then, the next motion after that is also by Mr. Mohan Lal Saksena, and he wants to move an adjournment of the House to consider a definite urgent matter of public importance, namely, the derailment of the Dehra Dun Express on the 12th January, resulting in heavy loss of life. There are a number of other motions to that effect, and, I believe, there are also one or two of a general

[Mr. President.]

nature. There is one, for instance, by Dr. Sir Ziauddin Ahmad relating to the same subject, and he wants to discuss the failure of the Government of India in taking effective measures to avoid Railway accidents on the East Indian Railway, in the province of Bihar. I find there are also one or two more from other Honourable Members to the same effect. I do not know what the Honourable Members want to do, whether they want to discuss the general question, that is to say, the alleged failure of the Government to prevent these disasters.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): The one in the name of Mr. Ram Narayan Singh is more comprehensive.

Mr. President (The Honourable Sir Abdur Rahim): If it is desired not to discuss this particular disaster, that is to say, the derailment of the Dehra Dun Express on the 12th January, then the Chair has no objection.

Mr. Bhulabhai J. Desai: According to your ruling, Sir, with great deference, I submit that the subject of discussion can only be that which is referred to in the motion. Undoubtedly, in so far as it discloses carelessness in vigilance, other events can be brought in in the course of the discussion.

Mr. President (The Honourable Sir Abdur Rahim): The verdict of the House must be on a definite matter if you want to move this. Is there any objection?

The Honourable Sir Thomas Stewart (Member for Railways and Communications): No, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The motion will be taken up at Four O'Clock.

STATEMENT *RE* ANSWERING OF QUESTIONS.

Mr. President (The Honourable Sir Abdur Rahim): Under our present procedure, whenever the question hour is dispensed with or a meeting is cancelled, all those questions which would otherwise have been disposed of are treated as lapsed, and Honourable Members are obliged to give fresh notice of such questions in order to obtain their answers. Mr. Sri Prakasa and other Honourable Members have represented to me about this hardship. I have examined this matter in consultation with Government, and I am now in a position to state that Government are willing to agree to a conventional arrangement on the following lines:

Whenever the question-hour is eliminated owing to the cancellation of a meeting of the Legislative Assembly, all the questions, both starred and unstarred, originally on the order paper for that day, would be treated as unstarred questions for the next meeting. No new lists would be printed, but the original lists of questions thus being transferred would be placed as unstarred questions for a second time among the agenda papers of Honourable Members. Such transferred questions, along with their answers, would then be included straightaway in the printed proceedings

after the unstarred questions, if any, properly belonging to the day to which they had been transferred. No remedy is, however, possible in cases when the last meeting of a Session is cancelled, there being no other meeting to which its lapsed questions could be carried forward. Where on a particular day the question-hour is dispensed with, but the meeting is not cancelled, all starred questions for the day would also be treated as unstarred and their answers, together with the answers to the unstarred questions, would be included in the printed proceedings of that day.

I shall be glad to bring into operation the conventional arrangement, at once if that is the general wish of the House. I may say, it would certainly be an improvement upon the existing practice.

Mr. Bhulabhai J. Desai: In any case, those answers ought to remain in the printed proceedings. We accept it.

Mr. President (The Honourable Sir Abdur Rahim): I take it, it is generally accepted.

Several Honourable Members: Yes.

PANEL OF CHAIRMEN.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the House that under rule 3 (1) of the Indian Legislative Rules, I nominate Mr. S. Satyamurti, Dr. Sir Ziauddin Ahmad, Sir Cowasji Jehangir and Mr. A. Aikman on the Panel of Chairmen for the current Session.

COMMITTEE ON PETITIONS.

Mr. President (The Honourable Sir Abdur Rahim): I have to announce that under Standing Order 80 (1) of the Legislative Assembly Standing Orders, the following Honourable Members will form the Committee on Petitions, namely:

Mr. A. Aikman,

Mr. M. S. Aney,

Syed Ghulam Bhik Nairang, and

Mr. N. M. Joshi.

According to the provision of the same Standing Order, the Deputy President will be the Chairman of the Committee.

Sir Abdul Halim Ghuznavi (Dacca cum Mynensingh: Muhammadan Rural): What about the adjournment motion of which I gave notice this morning, Sir?

Mr. President (The Honourable Sir Abdur Rahim): One has been fixed for 4 o'clock today. You cannot have more than one for the same day.

H. E. THE GOVERNOR GENERAL'S ASSENT TO BILLS.

Secretary of the Assembly: Sir, information has been received that the following Bills, which were passed by both Chambers of the Indian Legislature during the last Session, have been assented to by His Excellency

[Secretary of the Assembly.]

the Governor General under the provision of sub-section (1) of section 68 of the Government of India Act, as continued by section 317 of the Government of India Act, 1935:

- (1) The Criminal Law Amendment Act, 1938,
- (2) The Indian Emigration (Amendment) Act, 1938,
- (3) The Indian Aircraft (Amendment) Act, 1938,
- (4) The Indian Tea Cess (Amendment) Act, 1938,
- (5) The Employers' Liability Act, 1938.
- (6) The Prevention of Cruelty to Animals (Amendment) Act, 1938,
and
- (7) The Employment of Children Act, 1938.

MESSAGES FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, five Messages have been received from the Council of State.

The first Message runs as follows:

"Sir, I am directed to inform you that the Council of State at its meeting held on the 26th January, 1939, agreed without any amendment to the Bill further to amend the Indian Tariff Act, 1934, which was passed by the Legislative Assembly at its meeting held on the 12th December, 1938."

The second Message runs as follows:

"Sir, I am directed to inform you that the Bill further to amend the Indian Income-tax Act, 1922, which was passed by the Legislative Assembly at its meeting held on the 12th December, 1938, was passed by the Council of State at its meeting held on 28th January, 1939, with the amendments shown in the enclosed statement.

The Council of State requests the concurrence of the Legislative Assembly in the amendments."

Sir, I lay on the table the Bill as amended by the Council of State.

The third Message runs as follows:

"Sir, I am directed to inform you that the Bill to consolidate and amend the law relating to motor vehicles, which was passed by the Legislative Assembly at its meeting held on the 17th September, 1938, was passed by the Council of State at its meeting held on the 30th January, 1939, with the amendments shown in the enclosed statement.

The Council of State requests the concurrence of the Legislative Assembly in the amendments."

Sir, I lay on the table the Bill as amended by the Council of State.

The fourth Message runs as follows:

"Sir, I am directed to inform you that the Bill further to amend the Indian Cotton Cess Act, 1923, which was passed by the Legislative Assembly at its meeting held on the 15th November, 1938, was passed by the Council of State at its meeting held on the 30th January, 1939, with the amendment shown in the enclosed statement. The Council of State requests the concurrence of the Legislative Assembly in the amendment."

Sir, I lay on the table the Bill as amended by the Council of State.

The fifth Message runs as follows:

"Sir, I am directed to inform you that the Council of State at its meeting held on the 30th January, 1939, agreed without any amendment to the following Bills, which were passed by the Legislative Assembly at its meeting held on the 15th November, 1938, namely:

1. A Bill further to amend the Ajmer-Merwara Municipalities Regulation, 1925,
for the purpose of lowering the educational qualification entitling a person to be enrolled as an elector; and
2. A Bill further to amend the Destructive Insects and Pests Act, 1914."

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Before you proceed further, I just want to ask one question of the Honourable the Leader of the House . . .

Mr. President (The Honourable Sir Abdur Rahim): No. The Honourable Member cannot put any question at this stage.

THE MUSLIM DISSOLUTION OF MARRIAGE BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, I present the report of the Select Committee on the Bill to consolidate the provisions of Muslim Law relating to suits by married Muslim women for dissolution of marriage and to remove doubts as to the effect of apostasy of a married Muslim woman on her marriage tie.

ELECTION OF A MUSLIM MEMBER TO SIT ON THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, a Muslim Member to sit on the Standing Committee on Pilgrimage to the Hedjaz, *vice*, Maulana Shaukat Ali, deceased."

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, a Muslim Member to sit on the Standing Committee on Pilgrimage to the Hedjaz, *vice*, Maulana Shaukat Ali, deceased."

The motion was adopted.

ELECTION OF A MEMBER FOR THE CENTRAL ADVISORY BOARD OF HEALTH.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I move:

"That the members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, one person from among their numbers to be a member of the Central Advisory Board of Health, *vice* Lieut.-Colonel Sir Henry Gidney."

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, one person from among their numbers to be a member of the Central Advisory Board of Health, *vice* Lieut.-Colonel Sir Henry Gidney."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of election of a Member each to the Standing Committee on Pilgrimage to the Hedjaz and the Central Advisory Board of Health, the Notice Office will be open to receive nominations up to 12 noon on Monday the 6th February, 1939, and that the elections if necessary will be held on Wednesday the 8th February, 1939. The elections which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote will, as usual, be held in the Assistant Secretary's Room in the Council House, New Delhi, between the hours of 10-30 A.M., and 1 P.M.

THE INSURANCE (AMENDMENT) BILL.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I move for leave to introduce a Bill to amend the Insurance Act, 1938.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill to amend the Insurance Act, 1938. The motion was adopted.

The Honourable Sir Nripendra Sircar: Sir, I introduce the Bill.

THE INDIAN NAVAL RESERVE FORCES (DISCIPLINE) BILL.

Mr. C. M. G. Ogilvie (Defence Secretary): Sir, I move for leave to introduce a Bill to provide for the discipline of members of the Indian Naval Reserve Forces raised in British India on behalf of His Majesty.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill to provide for the discipline of members of the Indian Naval Reserve Forces raised in British India on behalf of His Majesty." The motion was adopted.

Mr. C. M. G. Ogilvie: Sir, I introduce the Bill.

THE INDIAN OATHS (AMENDMENT) BILL.

APPOINTMENT OF MR. C. J. W. LILLIE TO THE SELECT COMMITTEE.

The Honourable Mr. R. M. Maxwell (Home Member): Sir, I move:

"That Mr. C. J. W. Lillie be appointed to the Select Committee on the Bill further to amend the Indian Oaths Act, 1873, for a certain purpose, in place of Mr. J. N. Talukdar."

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That Mr. C. J. W. Lillie be appointed to the Select Committee on the Bill further to amend the Indian Oaths Act, 1873, for a certain purpose, in place of Mr. J. N. Talukdar."

The motion was adopted.

REPORTS OF THE PUBLIC ACCOUNTS COMMITTEE.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following motion moved by the Honourable Sir James Grigg on Thursday, the 10th November, 1938, namely:

"That the Reports of the Public Accounts Committee on the accounts of 1934-35, 1935-36 and 1936-37 be taken into consideration."

There are two amendments to this. One is in the name of Mr. Sanjiva Row.

Mr. K. Sanjiva Row (Government of India: Nominated Official): Sir, I move:

"That at the end of the motion, the following be added:

'and that the Assembly do approve the appropriation of Rs. 1,20,58,909 actually made in 1936-37 from the Railway surplus for that year towards repayment of the temporary loans taken from the Railway Depreciation Reserve Fund'."

As the House is aware, an excess demand to regularize this appropriation was moved on the 10th November last when Mr. Satyamurti and the Leader of the Opposition raised the question whether that demand was covered by Rule 49 of the Legislative Rules. The language of that rule as it stands does not *prima facie* cover a demand in respect of which there was neither an original nor a supplementary demand. Pending, therefore, an amendment of that rule, the only way in which we can obtain the approval of the House to this appropriation is the one recommended by the Public Accounts Committee and accepted by this House in respect of expenditure incurred on new service in a previous year. The amendment which I have just moved is in accordance with this procedure. In this connection I ought to mention that the statement which was made in the House on the 10th November last that there was a ruling of the Chair on the point raised by Mr. Satyamurti was not correct. I apologise to the House for the mistake. The facts are that on the 10th March, 1935, Mr. Satyamurti raised the same point in connection with a supplementary demand, but there was no occasion for a ruling from the Chair, as it was held that the supplementary demand was in connection with a new service and was therefore covered by sub-clause (2) of clause (1) of Rule 50.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): On a point of order. I do not see what this procedure is which my Honourable friend asks you and the House to adopt—"approval to an appropriation." This is a new category which my Honourable friend wants to bring forward before the House. I should like to ask him, if I may, under what law or Parliamentary practice he now brings forward this idea of an approval to an appropriation? What the Public Accounts Committee has done in previous years and what the House has approved of is a vote for excess grants. The Public Accounts Committee recommends that the following excess grants be voted by the House. The Honourable the Finance Member moves that these excess grants be made and the vote of the House is taken on the merits. Here we are asked to approve the "appropriation" of Rs. 1,20,58,909, on a new principle.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member raised the question and the Chair promised to give a ruling on the point. As a matter of fact the Chair indicated to the Government that the only course left under the circumstances was to bring a substantive motion in the House and obtain the approval of the House to the appropriation that has already been made. This point was considered at the time of Sir Ibrahim Rahimtoola. That is the view which was held by him and that is the view which I also took, after further consideration. There seems to be no other way of meeting a situation of this character.

Mr. S. Satyamurti: If there is no other Parliamentary way, I suggest that it is not the function of this House to somehow find a way. They have got expert advisers. They ought to foresee these things.

Mr. President (The Honourable Sir Abdur Rahim): What is the suggestion?

Mr. S. Satyamurti: Let them be surcharged out of their pockets.

The Honourable Sir James Grigg (Finance Member): May I clear up some of the misapprehensions which seem to exist in the mind of the Honourable Member. May I explain to him that his desire to have somebody's head on a charger is quite unreasonable. This is really an extremely technical accounting matter. If it had been foreseen, when the original railway estimates were introduced, that the year's working would have resulted in a surplus some formal accounting provision for the disposal of that surplus would have been made. This House has actually approved a convention under which the actual disposition of the surplus is made. All that remains to be done is the formal disposition of it for accounting purposes. In point of fact, the budget provided for a deficit and it was only in the last months of the year that the conditions improved so much that the deficit turned into a surplus and this has been allocated in accordance with the decisions of the House. It now merely becomes a question of regularising the account. If the Honourable Member can provide an infallible means by which estimating revenue and expenditure can be done quite accurately, then, of course, this question cannot arise. But why should he assume that there is any blame on anybody which requires to be dealt with by a surcharge. In any case I do not think any member of the Government of India or any member of the staff of the Government of India is capable of providing a surcharge of something over a crore.

Mr. S. Satyamurti: I am raising this matter as a matter of precedent. They are all paupers. They cannot pay a crore and 20 lakhs. I suggest that we must have this matter decided for the future also. I am merely suggesting here that this undisposed of surplus, at the end of a financial year, must go to the reduction or avoidance of debt. My Honourable friend has laid down this principle in this House, and it is a well-known Parliamentary practice that if for any reason there are surpluses in the Government of India's exchequer which are undisposed of and which are undisposable either by original grants or supplemental grants or by excess grants, they ought to go towards reduction of debt.

The Honourable Sir James Grigg: This is a railway surplus and not an ordinary budget surplus.

Mr. S. Satyamurti: I know it cannot go to the avoidance of the general debt but the railway debts form two-thirds of the general debt.

The Honourable Sir James Grigg: There was a convention approved by this House which regulated the disposal of railway surpluses and that was that it should go towards repayment of loans taken from the depreciation fund. Since then the House has approved of a suspension of that convention by which surpluses which arise on the railways for this year and the next two years are at the disposal of the Central Government and in so far as they are not disposed of by a vote of the House, they will be disposed of under the rule which the Honourable Member is quoting.

Mr. S. Satyamurti: I want that rule to be applied to this one crore and twenty lakhs also. It is not as if this money will be lost to the tax-payer. My point is that if this motion is ruled out of order, then this money will go towards the reduction and avoidance of debt and to that extent the money will not be wasted. After all, the motion is that the payment of a temporary loan from the Depreciation Fund be paid off. I am submitting for consideration that nothing will be lost by this motion being ruled out of order. I submit that it is out of order; the money will then be available for reduction and avoidance of debt.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will find that there has been a general understanding or a convention.

The Honourable Sir James Grigg: Sir, the convention which was in force when this surplus was merged required that it should be devoted to the repayment of loans from the Depreciation Fund, and, whether the Honourable Member or the House refuses to vote this or not, that will have to apply, and it will have to be regularized or to remain unregularized. There is no doubt that the convention required this to go to the repayment of railway borrowings from the Depreciation Fund. In future, for a limited period, the House has decided that a railway surplus, foreseen or unforeseen, will go into the general exchequer, but the Honourable Member cannot come and make the decision of this House retrospective.

Mr. S. Satyamurti: I do not see my Honourable friend's last point. His contention is that because of the vote of the House in favour of the convention this money automatically goes there. To the extent that this vote is necessary, I submit, Sir, that it is for you to rule and for the House to agree to this appropriation.

Mr. President (The Honourable Sir Abdur Rahim): There is a convention to that effect. The Chair has held that this is in order. In fact, the Chair suggested that this should be in this form. If the House does not approve of it, that is, of course, another matter.

Mr. S. Satyamurti: I submit that if really we are to give the go-bye to our Rules and Standing Orders and start a new convention or a method of voting monies towards such expenditure, that would be a dangerous precedent. Where it will end, I do not know; supposing there had been an expenditure of ten crores, and now there came forward a motion. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is imagining all sorts of cases; this was purely a matter which could not be anticipated at the time. That is why there was nothing in the vote.

Mr. S. Satyamurti: Surely they could have brought a supplementary or an excess demand. They did not do any of these things.

The Honourable Sir James Grigg: My Honourable friend cannot contend seriously on this whole figure as it merged on the 1st of April that there must have been some indication in January or February that this was forthcoming.

Mr. S. Satyamurti: They could have taken a vote earlier?

The Honourable Sir James Grigg: If there was time, we should have taken a vote. We first of all produced the procedure of an excess vote, and the Honourable Member says, "you cannot have an excess vote because there is no original provision in the estimates", and then we produce the alternative procedure which has been prescribed and sanctioned by you. Now, he says that that is a wrong procedure—you ought to have an *excess* vote! What are we to do?

Mr. President (The Honourable Sir Abdur Rahim): The motion is quite in order.

Mr. S. Satyamurti: Sir, I oppose this amendment. It is an amendment to the main motion. . . .

Mr. President (The Honourable Sir Abdur Rahim): So far as Mr. Satyamurti's amendment is concerned, the Chair does not think the Honourable Member would be in order, because it is only a *post mortem* examination of the accounts, and it has been always the practice that this House cannot have a vote on a motion for taking into consideration the report of the Public Accounts Committee. The House cannot have any vote; if no vote is taken, there can be no amendment.

Mr. S. Satyamurti: Why not start a new precedent?

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not want to.

Mr. S. Satyamurti: I want to oppose the amendment. I want to appeal to this House, though the Honourable the President has ruled this to be in order and we are all bound by that ruling, that for the first time in the history of this House the vote of this House is asked for an appropriation. . . .

The Honourable Sir James Grigg: This is not the first time. The Honourable Member is not right. This is prescribed in accordance with previous rulings and there are specific instances which my Honourable friend can give particulars of.

Mr. S. Satyamurti: I shall be obliged if I can be shown an instance where this amount which was not provided for by any of the well-known forms of original, supplementary or excess demand is sought to be regularized by a vote of this House.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can oppose it on the merits.

Mr. K. Sanjiva Row: Sir, I can point out an instance in which it was done previously. It was done previously several times. There is one instance here:

"That the Reports of the Public Accounts Committee on the accounts of 1931-32 and 1932-33, Parts I and II, be taken into consideration, and that the Assembly do approve the expenditure of Rs. 1,68,943 incurred in 1931-32 on additions and alterations to the locomotive running shed at Bhusawal and of Rs. 54,713 incurred in the same year on installation of wireless sets on the Great Indian Peninsula Railway and the East Indian Railway."

Mr. President (The Honourable Sir Abdur Rahim): What is the date?

Mr. K. Sanjiva Row: This was on the 29th August, 1934. There are several other instances.

Mr. S. Satyamurti: That was in connection with expenditure actually incurred. Here, it is a question of appropriation. I want the House to distinguish between the two. My suggestion is that this appropriation is a matter of accounting. It is not as if the money will be wasted. As I explained to the House, this money will be available, and as the House has decided with regard to the later surpluses from the railways, it will go to the reduction or avoidance of debt. My simple point is that we cannot approve of a procedure which will give a *carte blanche* to the Treasury Benches, hereafter, to regularize appropriations long after they have taken place. After all, our Rules and Standing Orders are based on parliamentary practice, and we must not give up our control over the treasury with regard to expenditure, and so long as they do not conform to the well-known forms of original, supplemental or excess demands, I say that this procedure is a dangerous precedent for the future; we shall then never be sure. . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is really criticizing the Chair's ruling. The Honourable Member cannot do that. The Honourable Member cannot ask the vote of the House on the ruling of the Chair.

Mr. S. Satyamurti: On the merits, I say, Sir, that it is a dangerous precedent—I am not criticizing your ruling.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not see what the Honourable Member is trying to make out.

Mr. S. Satyamurti: My contention on the merits is this—that you are voting away a crore and twenty lakhs two years after the money has been appropriated, and it is a bad precedent for the future. It will give a *carte blanche* to the Treasury Benches to go about appropriating monies years later. I say it is not a financially proper procedure, although it has been held to be in order. I do not ask the House to question the ruling but to vote against the amendment on the merits, in order to warn the Treasury Benches that they must be careful and the House will not lightly acquiesce in such appropriations being made. Sir, I oppose the motion on the merits.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I think that this question should be made clearer from the constitutional point of view. I do admit that the Chair has held this point to be in order but I want to point out what has been said in the report at page 2 and then ask that point to be made clear; otherwise the result will be like this. The Government would then say that constitutionally they are not bound to bring such an appropriation question before the Assembly at the time of the Budget, and can, afterwards, come forward with the plea that they were not bound to bring it constitutionally at that time and that they could bring it subsequently for approval of the Assembly. That is exactly what I find on page 2 of the report, where it is said:

"The excess was the result of improvement in earnings which converted the original estimated deficit of Rs. 344 lakhs into a surplus. . . ."

Mr. President (The Honourable Sir Abdur Rahim): Both the original motion and the amendment which has been moved by Mr. Sanjiva Row are now under discussion. If the Honourable Member wants to say anything about the main motion, he is at liberty to do so.

Mr. Lalchand Navalrai: I was, Sir, referring to a statement in the report. It says:

"A vote of the Legislature for the transfer of this surplus to the Depreciation Reserve Fund was not obtained in the belief that it was not constitutionally necessary."

Are Government going to say now that it is constitutionally necessary that the vote should have been obtained on this? This is a point that should be made clear otherwise they will always say that this is their belief. They do not say in the report how their belief has come to be true. Was there any ruling or any standing order or any rule or any section in the Government of India Act that no vote of the House is necessary if the appropriation is going to be made, because there is some surplus, to the Depreciation Fund? I would, therefore, submit that the Government of India should make it clear and say that it is required constitutionally that there should be a vote and then stop the practice which they have followed up to this time. This practice should come to an end for the simple reason that we are forced at this time, more or less, to approve of it on the ground that the Government maintains that it was not necessary to do so. In future, you must come before us and get our vote. I submit, therefore, that it should be made absolutely clear to the House that in future Government must bring such matters before the House for a vote as they do in other cases at the time of the Budget. As the whole motion is now before the House, I would like to draw the attention of the House to certain points mentioned in the report. The Public Accounts Committee has asked for certain information from Government and which the Government has promised to place before the Public Accounts Committee when they meet next.

Mr. S. Satyamurti: May I make a submission? I would like to speak on the motion also. So far, I have spoken only on the amendment.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will be given another chance. It is understood that any other Honourable Member who wishes to take part in this debate can speak on the motion as well as the amendment.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): May I remind the Chair that today is Friday.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member (Mr. Lalchand Navalrai) finished his speech?

Mr. Lalchand Navalrai: No, Sir, I have got certain points to make. I have read the report and there are certain points that I would like to put before the House.

Mr. President (The Honourable Sir Abdur Rahim): In that case, the Honourable Member can resume his speech after Lunch.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Mr. Lalchand Navalrai: The next item to which I make a reference is with regard to the introduction of development fund and re-estimate of works. At pages 2-3 of the Report of Public Accounts Committee, Vol. I, Part II for the year 1936-37, it is said:

"The position with regard to capital grants was better than that of previous years but still left considerable room for improvement."

Later on, it is said:

"In view of the practical difficulties inherent in a system which involves the execution and financing of capital works on a year-to-year basis and the lapsing of provision on the 31st March, of each year, we suggest that the Auditor General and the Financial Commissioner should examine the suitability of introducing for railway capital expenditure procedure providing for a development fund on the lines of that recently adopted for the Posts and Telegraphs Department."

No doubt there is this difficulty which does arise, that is, if during a year certain capital works are not finished then the grant that has been given lapses. When capital works cannot be finished in a year, there ought to be some arrangement and it is suggested there should be a development fund, on the same lines as adopted by the Posts and Telegraphs department. Now, Sir, this is to be investigated and some idea given with regard to it. At any rate the report should be placed before the Public Accounts Committee to come to a settlement on this question. This would arise every year.

The next point that I should like to refer to is the revision of Railway Codes. This is also referred to in the Public Accounts Committee report. The fact of the matter is that there are various codes, regulations and rules that are being made from time to time by the Railways and the result is there is great confusion. There are at present Codes which are inconsistent with one another and contrary to one another. Whenever a question arises, there are a great many rules and regulations to be referred to on the point. The Public Accounts Committee has advised that these codes should be revised and all confusion removed. The codes should be simplified so that any officer of the railway could easily see what is the final authority on a particular point. It must be described in a manner which is understandable to every one without any difficulty or contradiction. With regard

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to that, I must also point out that there are statistics prepared by the Railway authorities from time to time and I believe every week, those who are Members of the Advisory committees on Railways, receive certain statements as to rates and fares and such other matters. But they are so complicated and there is so much difficulty in these forms that it is more or less a waste of energy as well as of money. They should also be simplified and information given in such a manner that they will serve the purpose for which they are intended. They should not be complicated, nor should they be too many.

Now, I come to the question of saloons. This subject has attracted the attention of the Public Accounts Committee and they were of opinion that these saloons should be done away with or at least decreased considerably in numbers. Now a report has to be made on that. We have been putting several questions on this subject and the only reply we received was that no new saloons were being built. That is not all what the Public Accounts Committee wanted. They wanted that the number of saloons should be decreased. I feel that there are many officers who do not require these saloons. They may as well travel in first class compartments. If the railway officers are obliged to wait for want of accommodation, there are rest rooms and dak bungalows nearby the railway stations which are at their disposal. This is another consideration for the reduction of the number of saloons.

I may also inform the House that some of these lower grade officers, like Sub-divisional Officers, have got four-wheelers; and an officer in Karachi informed me, and I know it myself, that these four-wheelers are very shaky and uncomfortable and they have got tired of them. So these should be done away with and they can travel by the trolleys which have been given to them. I hope the Public Accounts Committee which mooted this question will see that the number of these saloons is decreased. These questions will of course come up for discussion when the railway budget is discussed but I should like to point out that when the Public Accounts Committee has found fault with certain things they should be remedied. For instance, there is the question of passes. The Committee wanted in 19'6 that these free passes should be stopped. Of course, the railways somewhat legitimately said that railway servants throughout the world are given these passes and there was no reason why they should be done away with. But my complaint is that the higher officers get many more amenities in this direction at the expense of the subordinate officials. I will deal with this point also at the time of the railway budget but I must draw the attention of the members of the Public Accounts Committee to this point. These pass rules were revised in 1937 and since then there has been great discontent among the subordinates which has been ventilated here by means of questions and otherwise. But we have got no definite reply and have been told by several Members in charge of Railways on the Treasury Benches, that the question was being considered. What we find is that before 1937 these officers and subordinates were satisfied with what they were getting; but the Public Accounts Committee said that the rules should be revised but not revised in the way the railway proposes to do. With regard to these passes there are two questions involved, namely, the number of passes and the class of passes. With regard to the number we were told the other day that the officers who will be appointed hereafter will get six

sets instead of twelve. But with regard to the subordinates only those who have 25 years' service have been given one pass more. The main question, however, is with regard to the class. I submit that those who get first class passes should be reduced and the subordinates who were formerly getting Intermediate class passes should continue to get passes of that class. Previously whoever drew a pay of Rs. 50 or over would travel Intermediate class but now that standard has been raised to those who get Rs. 76, because the railways know that there are thousands of persons on Rs. 60 who never rise above that. Therefore, I would ask the members of the Public Accounts Committee to consider this question. I find that the North Western Railway issued an extraordinary gazette on the 23rd December last containing their new proposed pass rules. These will have to be finally sanctioned by the Public Accounts Committee, according to the promise given by the Railway Member, and I would request the Committee to see that people drawing Rs. 50 and over get Intermediate class passes. Among the public, the people who get Rs. 50 or earn Rs. 50 and over usually travel in the Intermediate class and these Railway subordinates also should get passes for that class. With regard to the third class, the report shows that the number of people getting these passes has been considerably curtailed. Formerly people drawing below Rs. 50 used to get these third class passes and the number was three sets. Now they have raised that to four but many third class subordinates will not be entitled to passes and will not have them.

Sir, I will not take any more time but there are many other points and I hope the Public Accounts Committee, which has been very alert with regard to the Railway accounts as well as the general accounts, will see that the suggestions made by them are complied with.

Mr. S. Satyamurti: Sir, I am glad that after three long years we are having now a discussion of three years' Public Accounts Committee reports. I suggest that in many senses the consideration of these reports in these Houses has a value of its own, especially when and if we get responsible government. It is only on the Public Accounts Committee reports that we can discuss questions of large policy, without raising questions of confidence or otherwise in the Ministry. Under responsible government, any question of policy on which an adverse vote or even a strong adverse opinion is expressed may mean the death of the Ministry; but on the Public Accounts Committee reports it is a convention well established that you can discuss large questions of policy and express strong opinions without involving the dismissal or resignation of the Ministry. As Honourable Members know, there has been a recent change in the rule governing the functions of the Public Accounts Committee, thanks to the Order in Council. Till now our main function was to examine whether the expenditure incurred was "within the scope of the grant". Now the rule says,—I am quoting only the relevant words:—

"whether moneys were legally available for and applicable to the purpose and the expenditure conforms to the authority."

But, on the whole, I submit that in spite of the change in the wording the main functions of the Public Accounts Committee have remained this year, and I trust will remain in the future, in spite of the somewhat alarming prospect to me of having a Civilian Finance Member, as chairman of the Public Accounts Committee—I trust the functions will remain more or less

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as they have remained all these years that I have been there. The main functions of this Committee, year after year, have been to see that there is no extravagance in expenditure, that there is no inaccurate budgeting which involves either over-budgeting or under-budgeting, and also that there is no expenditure beyond that sanctioned, that there is no rush of expenditure which is quite common or used to be quite common both in the Military Department and the civil Public Works Department as also in the Railways, towards the end of the year. We also keep a close watch on supplementary estimates and reappropriations, and I should like, if I may, to congratulate the Honourable the Finance Member and the Finance Department on their recent circular issued, I believe, two years ago, laying down the new procedure with regard to supplementary grants which, I believe, is producing beneficent results on the whole. In the new rules, the Public Accounts Committee has been given the very good function of examining the audit of receipts also. I am glad they have started auditing customs receipts and I trust that that audit will expand and hope that there will be audit of income-tax receipts. It is alright to keep a close eye on your expenditure, but if your income is not up to the mark, that is the mark sanctioned by the legislature to which we are entitled, mere audit of expenditure may not lead you a long way.

In most cases the Auditor General and the Finance Member are our philosophers, friends and guides in the Public Accounts Committee. On the whole the Auditor General has been doing his work well, and even the Government of India Act, 1935, bad as it is, provides for the position of the Auditor General being absolutely independent. He is appointed by His Majesty and removable only on the same conditions on which a Federal Court Judge can be removed, that is, on grounds of physical or mental infirmity or misbehaviour which can be decided only by the Judicial Committee of the Privy Council; and I hope that, in spite of future Finance Ministers or Financial Advisers, the Auditor General will continue to be as independent as he has been so far, if not more independent. His salary is a charge on the revenues of the Federation, and he need not be afraid of any Finance Minister or of the Government of India. Indeed in a democratic government I venture to believe that the Auditor General is really the watch-dog of the tax-payer in many spheres to prevent extravagant or unauthorised expenditure and to see that the vote of the House is respected in letter and in spirit by the spending departments.

The *deux ex machina* in all expenditure which we consider to be unauthorised or excessive or wrong is the Finance Member and his department. On the whole, I give this cautious compliment, that the Honourable Sir James Grigg has been a good chairman of the Public Accounts Committee. But constantly there is a quarrel going on in his own mind, as I can see sitting next to him these four years: he has sanctioned this expenditure or his department has: we raise the point: it appeals to his conscience and he tries to say things in his own picturesque way to the witnesses; but again and again the witnesses look helplessly up to him and say: "What are we to do? You have sanctioned it." I think, ultimately, he feels in very many cases that having been a party to these sanctions he cannot very well associate himself with the public criticism of this expenditure by the Public Accounts Committee. But I think he has done as well as any other man could have done under similar circumstances; but I suggest that hereafter a convention should be established

or the rule ought to be altered so that the Leader of the Opposition or any other non-official Member may be the Chairman of the Public Accounts Committee. This system of the Finance Member being the Chairman is no good.

I have sat there, as I said, for four years and when we get witnesses I want to characterise first, that we get a bewildering variety. The Government of India has neither a body to be kicked nor a soul to be damned; because, year after year, with some exceptions like my Honourable friend, Sir Girja Shankar Bajpai, the witnesses change in variety, change in colour; and some of them say: "I was not here when this thing was done", and some of them are truculent and want to put us off, but we soon put them in their place; some of them come there with no preparation whatever; they open the files for the first time in our presence and find out what the explanations are: some of them are over-confident; some of them give wrong explanations; and all of them walk away from the room as if it were a prison house, as many of them have told me: there is no desire to co-operate with the Public Accounts Committee as the watchdog of this Legislature and of the tax-payers, or to lay all their cards on the table. Some of them of course are plausible, but I do suggest to the Government that they must instruct the secretaries in the various departments to look upon the Public Accounts Committee not as their enemies but as their friends to see to it that expenditure is controlled and spent as this House desires that it should be spent. Then they have always one excuse, which I am afraid the Honourable the Finance Member sometimes encourages. We give them a grant of say five crores: they underspend under several heads and overspend under several other heads; they take the *pluses* and the *minuses* together and say "On the whole we have spent only 4½ crores or 5½ crores and therefore you must not blame us too much." I have always dissented from that view that we should treat the Government of India as a trading concern and look at the profits and losses. The whole idea of the budget, with all its detailed grants, is to give the House an exact scope of the demands so that we may vote for them to be spent accordingly. But the Public Accounts Committee of last year has made a recommendation, I believe unanimously, and I hope the Honourable the Finance Member has taken action already on it, or will take action soon, whether we cannot have larger units of appropriation within a grant, so that we may avoid this theory of overspending and underspending under different heads, being put up, and also lead to more economy in expenditure.

My amendment that these recommendations ought to be accepted by this House has been ruled out of order by the Chair; I merely want to plead with this House that these recommendations of the Public Accounts Committee, except in two or three cases where we actually state that, are practically unanimous. We rarely, if ever, take votes in the Committee, and I want to assure this House that party differences which are so prominent here practically disappear in the Public Accounts Committee. We pull together: only the Chairman often finds that as an official member he cannot associate himself with our recommendations; therefore, I do hope that the House will study these recommendations carefully, follow them, and see to it that the Government accept them and act on them. But the abnormal delay of the Government of India is a matter of well-known comment. Undoubtedly they can go on like this and probably they will go on until a more vigorous government takes their place. I

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will give one or two instances. The Public Accounts Committee—would you believe me—since 1926-27, for 13 years, has recommended that the ecclesiastical expenditure should be properly allocated. For 13 years the thing has gone on in the outstanding recommendations: something or other comes up until now when they tell us they are taking a census of what are called entitled persons. When they will come to a conclusion I do not know. We have also been recommending, since 1929-30, that the incidence of expenditure on the Persian Gulf ought to be decided and as we have no substantial interest in the Persian Gulf His Majesty's Government ought to foot the bill. The matter is still pending consideration since 1929-30, for nine years. On the Indian Stores Department, London, also, we have been recommending its abolition from 1932-33; and I regret to find that after all the very efficient Sir James Pitkeathly, for whom I have great admiration, has been compelled, shall I say, or has recommended the continuance of this department, mainly because of vested interests.

So far as the future is concerned, Mr. Deputy President, we have made a provision that these Appropriation Accounts and the Audit comments thereon should be published as soon as they are available, and they can be published; I think, some time in March of each year they are available, and the Provincial Governments are now publishing them. The fact that they are not published till after they are presented to the House makes them absolutely too late. There is a legal difficulty that the publication of these comments may lead to some rights of action on the part of individual officers or others, but that can be cured by a standing Resolution of this House or by an annual Resolution of the House authorising the publication of these accounts and Reports as soon as they are available.

So far as the accounts under the new Government of India Act, 1935, are concerned, there are going to be a few changes to which I should like to draw the attention of the House very briefly. I refer, Sir, to page 6 of the Report for 1935-36 Accounts:

"We were interested in the information supplied to us by the Auditor General with regard to the position of Accounts and Audit under the new Government of India Act. We note that the Appropriation Accounts relating to defence, external affairs and ecclesiastical departments will continue to be placed before the Public Accounts Committee as at present. We realise that in accordance with the provisions of the Act the Committee will cease to be concerned with the accounts of the Federal Railway Authority and the Crown Department, but we understand that these Accounts with the relevant Audit Report will continue to be published. We wish to draw attention to the recommendation made by the non-official Members, with which the Chairman was unable to associate himself in view of his official position, that the publication of these documents should be considered to include their being placed on the table of the Legislature."

We have reiterated that recommendation at page 37 of the Report for 1936-37:

"The non-official Members of the Committee desire to reiterate their recommendation of last year that the Accounts and the relevant Audit Report of the both the Federal Railway authority and the Crown Department should be laid on the table of the Central Legislature."

Unfortunately, we cannot take a vote of the House on this matter, but I am convinced that if a vote were taken the entire House will vote for the publication of these Accounts and Audit Reports of both these departments and for their being placed on the table of the Central Legislature.

If they are so placed, I suggest that they ought to be referred to the Public Accounts Committee also.

Now, Sir, every year, as Honourable Members will have realised, we deal with the Railways in a separate volume together. For four days we have these railway witnesses before us. We discuss with them all possible accounts and matters, and I want to say that in our Chief Commissioners who have appeared as witnesses, we have had co-operating witnesses in the sense that they have withheld no information from us, although they have proved themselves continually irresponsible to our suggestions. The financial position of the Railways is not very re-assuring. On that matter, these three years' Reports are very convincing, although I find from this morning's communique they expect a very favourable balance sheet at the end of this year. Knowing, Sir, the very perilous financial condition of the Railways, we recommended the culling in of the services of an acknowledged railway expert to make recommendations to produce three crores of additional revenue, year after year, for the Railways, but we got a mixed Commission which came to these great conclusions,—that the Railways shall no longer be looked upon as sources of revenue to the general revenues; the Railways should be congratulated if they earn enough money to pay interest on their loans; the Railways cannot be expected to help **the State; they must** be allowed to raise loans in the open market; the State must confine itself to the position of a debenture holder so far as the State Railways are concerned. But somehow or other, although we had a discussion in this House on the Wedgewood Committee's recommendations, the Railway Board have gone on accepting or taking action on these recommendations with an alacrity which they rarely show in respect of far more important or urgent matters; but I should like to have an assurance from the Honourable the Finance Member or somebody who can speak on behalf of the Railway Board that, so far at least as the railway finances are concerned, the Government of India are not going to agree to the Railways never paying anything to the tax-payer but merely earning interest charges, or the Railways being allowed to raise loans in the open market or the State becoming a mere debenture holder, and last but not least, to accept the Wedgewood Committee's recommendations that the State ought to hand over the Railways to public companies domiciled in India. These are recommendations which are revolutionary, which this House does not want, and I hope the Government of India will bear them in mind before they pass orders on these recommendations.

From the present indications of the Government of India, I do not know if it is their final decision that the Railways ought to be allowed to build up a reserve of 50 crores partly for depreciation and partly for lean years for meeting interest charges. I do not know if it does err on the high side, but if they want to build it up, they must make the Railways very much more paying than they are today. But, so far as the question of making the Railways pay more is concerned, I am afraid, Sir, the Railway Board has been wholly irresponsible. They will not touch the question of retrenchment in the salaries. Excluding all salaries up to Rs. 50 a month, if they have a graded cut, they can get a saving of $1\frac{1}{2}$ crores a year; but they will not think of it. They will not think of retrenchment of the staff in the higher grades. They will not deal with the question of reduction of saloons or of passes. On passes, I speak with great trepidation because of my friend, Mr. Lalchand Navalrai. I feel, Sir, that this matter of passes, especially about the higher class of railway officers,

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deserves consideration and drastic retrenchment. As for third class passengers' amenities, the Railway Board is moving at a snail's pace. Morning after morning, we ask how many new type of third class carriages you have introduced in the Railways, and the Honourable Sir Thomas Stewart, with his heart elsewhere and his feet here, always says: "I want notice; I know nothing about it; you ask somebody else",—and you find no appreciable progress is made in this matter. Then, Sir, they will not respond to the demand for the amalgamation of the Railways, although a feasible scheme has been produced to amalgamate the Railways of India into five or six systems. And as for Rail-road competition, they are going to depend upon the Motor Vehicles Act. I hope they will get something out of it, but they will do nothing by way of competing on equal terms with the motors by providing more amenities and more conveniences. But in the meantime they have done something by way of reducing the capital at charge, to which I think I ought to draw the attention of the House. Page 3 of the Report for 1935-36, Vol. I, Para. 2, says:

"We discussed at some length the reduction of 8—21 crores of rupees in the capital at charge of the Railways on account of the application of the current statutory rate of exchange to yet unliquidated liabilities which had previously been converted at the rate in force at the time when they were undertaken. Some of us consider that even if this decision was in accordance with the correct accounting principles the burden of the interest charges in respect of the amount in question should not in present circumstances have been transferred from the Railways to the general taxpayer."

The whole point is this. This is a jugglery of figures. Our loan remains the same. We have got to pay interest on all our loans, but the loans on account of Railways have been written down by 8·31 crores. I do not know if the Finance Department are happy over it, but Mr. Wilson, the then acting Chief Commissioner for Railways, who I hope is now all right and is in perfect health, the Agent of the Great Indian Peninsula Railway denied consistently that whenever the Railways make any profits, all their past debts to us on account of depreciation of the loans or of general contributions should be wiped out, and they ought to be allowed to build up a reserve fund of their own. That we cannot do, but this writing down of capital is a fallacious process, unless the Railways make so much profit and hand them over to the Finance Department for converting the debts and reducing debts. Unless that is done and we get actually the debt reduced, it seems to me merely to reduce the debts on account of some exchange operations is merely transferring the interest which is actually due and to be paid by the Railways to the general tax-payer, a financial procedure which, I submit, is wholly improper.

Then, Sir, the working expenses in certain railways have increased out of all proportion to their earning capacity. I can give instances, but I do want the Railway Board to look into this matter very carefully. There are railways and railways in this country. Some railways are very efficiently managed, some railways are not. I am gratified to say that under the item of capital expenditure, while the saving was to the tune of Rs. 8½ crores, three years ago, it has come down to Rs. 2 crores, thanks to the policy of lump cuts which we recommended and which the Railway Board are enforcing. I do hope that they will pursue this policy and see that they do not put too much in items of capital expenditure. Then, in the railway budget, Honourable Members will find unsanctioned items of expenditure running over many years. It is a scandal. I wish I had the time to point out the various items. For two years, three years, four

years and five years there have been and there are unsanctioned items of expenditure. That ought to be corrected. I know the Finance Department is taking strong steps in the matter, but the Railway Board is a very sleepy Board and they sleep over these things, and something ought to be done to make them work hard and wipe out all these unsanctioned and unauthorised items of expenditure very soon. From this year, a new system is sought to be introduced under which the Chief Accounts Officers in railways will work under the Agents. That was a recommendation which the Wedgwood Committee made but which the Public Accounts Committee turned down. In the Public Accounts Committee we had a very elaborate argument on this. The Auditor General, I believe, Sir Ernest Burdon, and Mr. Badenoch, had and have very grave misgivings about the results of that experiment. They feel, and the majority of the Public Accounts Committee agree with them, that the present system under which the Chief Accounts Officer is directly responsible to the Financial Commissioner and then to the Finance Member is much better to secure that amount of control over the accounts and expenditure which we have a right to expect. But, somehow, the forceful personality of Sir James Grigg nearly persuaded Mr. Badenoch to agree to the experiment being tried on two railway systems under very stringent conditions. The conditions are that the Chief Accounts Officer will work under the Agent but he will also be a Financial Adviser, that he will have direct access to the Financial Commissioner and that wherever he differs he will state the difference to the Financial Commissioner in his own language, that the Financial Commissioner himself will very closely watch the experiment and report to us at the end of next year and the Finance Member and the Auditor General also will watch the experiment. We agreed to only one railway in the first instance, but the Finance Member wanted two railways. My understanding at that time was that the two railways to be selected were one good—good, that is, in the system of accounting and financial check—and one bad. Somehow or other, the Honourable the Finance Member has chosen, I believe, the Great Indian Peninsula Railway and the North Western Railway. I presume the Great Indian Peninsula Railway is presumed to be good and the North Western Railway is presumed to be bad, I do not know. But if he has chosen them because both the systems are good, I give him notice in advance—he will not be here—that the experiment has not been tried under the conditions under which we wanted it to be tried. I want the system to be tried in two railways under conditions in which we can see how, apart from the personae of the Chief Accounts Officer or the Agent, the system by itself works. I am glad that Sir James Grigg will not be here when we meet next because I know he feels very strongly in the matter; I feel equally strongly. Unless, therefore, the experiment yields very fine results, finer than he expects. I give him notice that this experiment has every chance of being scrapped, especially as Sir Ernest Burdon may be here then.

Then, another matter on which I want to say a word with regard to railways is that they are revising their regulations. My Honourable friend, Sir James Grigg, is a hater of quantity, I believe, because, he loves quality—at least I presume so—, but to reduce regulations simply because they are large irrespective of the effect on efficiency and interests of service, is not a right method. I want the fullest possible regulations: By all means let us avoid repetition, let us avoid providing for small insignificant things. But it will be a dangerous thing for a public utility concern

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like the railways to leave too much discretion to officers and not to put them under proper control. That is all I want to say with regard to railways. I believe they are doing their best, but, at the same time, it does seem to me that the future of the railways is very dark. I believe they are all hoping that somehow the Federal Railway Authority will come and that then there will be no questions or discussions in the Federal Legislature about them, that they will be a kind of *imperium in imperio*, that there will be no Public Accounts Committee worrying them, that there will be no voting on demands here. But I warn them that the Federal Railway Authority is coming only on the terms on which the people of this country are agreed that it should come. Let them not, therefore, hug the delusion that they are going to be an *imperium in imperio*. The Federation itself is hanging in the balance, and the Federal Railway Authority has nearly fallen off the balance.

We have a small Sub-Committee of the Public Accounts Committee where we deal with the defence budget. We get there Mr. Ogilvie, we used to get Sir Alexander Tottenham before him. These witnesses are plausible and sometimes angry. The Defence Department is the pet child of the Government of India. They think that anybody who asks them any question does so out of ignorance or prejudice or both, and it is very difficult to get satisfactory answers out of them. But, on the whole, we have been trying our best to do something even with them and I am glad that the revision of army regulations is now nearly complete; but on the one matter which interests the tax-payer most they have not yet completed these regulations. That is the stock limits held by Ordnance Factories, and especially by the Aviation Department. Let me give expression to a suspicion held by me and many other Honourable Members of this House and the public outside, that the Defence Department of the Government of India is not unoften treated by the defence officers in England as the dumping ground of their obsolete or obsolescent stores, that we buy them long after they have ceased to be useful, and we buy much more than is absolutely necessary for our requirements. I am hoping that these regulations will be soon completed, that stock limits will be available, and that the Auditor General, hereafter, will be able to give us a report that the stocks held are not beyond the absolutely necessary stock limits. There is one joke in the Defence Department. Although it is a small matter, I mention it as an illustration of defence extravagance in this country. Some officers are entitled, it seems, to some type of superior accommodation printed on paper. They do not get those houses, but they get what is called inferior accommodation. They are quite satisfied with those houses, they live in them, they pay the rents fixed for them, but it is supposed to be a deprivation of their rights and, therefore, we, the tax-payers, are asked to pay them compensation for getting and occupying inferior accommodation? Have you heard of that? We have tried our best. They have got a zoning system now. They have reduced the evil and even the Military Finance Department wanted the system practically to go but the Defence Department has so far said 'No', and when the Honourable Sir James Grigg goes, they won't have the courtesy even of saying 'No'. They will simply carry on.

Then, Sir, so far as the Military Engineering Services are concerned there has been gross under-spending and many other defects, but we are now trying the experiment of sending trained accountants of the Public Works

Department. The result of this experiment has been rather funny. The Public Works Department consider it is a success and the Military Department say that they are educating these people and they are now very good. What the ultimate result will be, I do not know. We are watching to see whether there will be any real improvement in the Military Engineering Services. The last point in connection with the Military Accounts Committee Report is the late lamented defence reserve fund. I trust I may use that phrase. The Honourable the Finance Member is committed to abolishing that fund. It is a very funny idea. There is some saving because of cheapness in prices. The savings do not go to the Finance Member for general purposes, but used to go to the defence reserve fund. The defence reserve fund is nearly exhausted and I think the Government are now committed to having a fixed military budget and merely providing programmes for capital expenditure.

From that I pass on to the Civil Works budget of the Government of India, which is a perpetual source of anxiety to us. Our energetic Chief Whip, Mr. Mackeown, once represented the Public Works Department before the Public Accounts Committee. That Department, I think, Mr. Deputy President, is the most disappointing department of the entire Government of India. They always over-estimate. They always under-spend and yet the stock limits and the staff are maintained on the basis of the sanctioned expenditure. We sanction 13 crores. They spend eight crores and yet the staff is maintained for the expenditure of 13 crores and the stock limits are for 13 crores. We ask for notes. Elaborate notes are forthcoming, elaborately justifying the staff and the stock. I want to tell you one thing I have learnt. Whenever you raise the question of over-staffing, every Government servant comes and tells us: 'We are all over-worked, we spend sleepless nights. We have no time and we must increase the staff'. That is a matter on which the Honourable the Finance Member and this House can form their own conclusions, but so far as the Civil Works Department is concerned, we must have a new system. We have made a new recommendation for a lump grant for capital expenditure, provided the Legislature votes the lump sum grant in the first instance and, year after year, also votes the expenditure for that year. As it is, the budget of the Civil Works Department is one of the most deceptive that is placed before this House.

I want to say a word on the Vizagapatam Port which belongs to my Presidency. It is not a paying proposition. It has not been for some time but just now it looks as if we are turning the corner. The committee have decided that the harbour ought not to be closed down but that expenditure, in the future, ought to be confined purely to remunerative items or those which are indispensable. There is one handicap under which the port suffers, namely, that the railway authorities do not charge freights which will give a decent chance to the port. We have recommended that the port authorities should take up this matter with the railways for consideration.

There is another item which comes before us which is of great interest, the North West Frontier Province Watch and Ward and unauthorised funds. These funds are practically closed now but still there are two or three funds, such as the entertainment fund, secret service fund. If I read to you the various items on which this money is spent, you will understand the various ways in which our money is being spent. If you

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turn to page 112 of the accounts of 1936-37, volume I, you will find this: Entertainment Charges: incurred in the Frontier Province. They are intended to cover entertainment and travelling expenses of individuals and parties who visit the Political Officer in connection with Government duty or who perform duties involving them in expense. The money may be paid in cash to the person or persons for whose entertainment it is intended, to some other person who has paid the expenses of entertainment, to some shop or company which has provided the entertainment or conveyance or in many other ways provided the object of entertainment or paying expenses is kept in mind.

Then, under secret service you find this: Secret service money is intended to cover rewards whether in the form of cash, of presents such as shot guns or binoculars, of assistance with an irrigation scheme, given in return for information received or for some other purpose which it may not be desirable to specify.

Now, you can understand how some of our money is spent in the Frontier Province. We are trying to control it, but we cannot do very much. I must say that Sir Aubrey Metcalfe, who often appears before us on these matters, is a very plausible gentleman. He says many things but gives very little information to us, and we are not wiser even after we have examined him for three or four hours.

Then, Sir, we come to one of the big departments of the Government of India, the Post and Telegraph Department represented by my esteemed friend, the Honourable Mr. Bewoor, whom we are glad to see here again. On the telegraph side, we have sustained losses and are still sustaining losses and when we ask him whether he cannot retrench the staff, he says: "we have already retrenched too much. I must recruit more staff." You cannot understand the audacity of these gentlemen until you see them come before the Public Accounts Committee. They will go on incurring losses and yet they will ask for more money. They will claim all the advantages of a commercial concern. They now put a dilemma to us, and say that all these losses are traceable to press telegrams. Therefore, will you increase the press charges? They want to create a quarrel between us and others outside this House. I say it is the job of the Department. If you are convinced that it is a loss which you cannot incur, say so and take the responsibility. Another method which the Honourable Sir James Grigg has invented is to keep off the half anna post card as late as he can, by saying that the Postal Department must pay for the accumulated losses for the last so many years.

The Honourable Sir James Grigg: They borrow money from us.

Mr. S. Satyamurti: If all debtors paid their debts whether they can afford it or not, then this world will be a different world from what it is. England herself is a supreme example of a defaulter in that respect. Therefore, this idea of compelling the Postal Department to pay, year after year, for the next five years, out of their surplus, if there is any, is a matter which cannot be justified, except on the ground that the half anna post card shall not be given to the poor people of this country. Then they want to build up a revenue reserve fund when they get a surplus, and,

therefore, Sir James Grigg has seen to it that even after he goes the half anna post card cannot rear its head. I do not think the Post and Telegraph Department has been treated fairly in this matter.

Another joke of the Government of India is the Mathematical Instruments Office. We spend a lot and earn less. The Defence Department used to get all their work done in the Mathematical Instruments Office, and now they have withdrawn their work and the Government of India plead helplessness. The Defence Department is an *Imperium in Imperio*. They can do just what they like. For them the Government of India do not exist, and the Mathematical Instruments Office must lose because the Defence Department will not have its work done by them. You and I must pay for two different sets of offices for doing the same work. Then there is a theory—I do not know what the House thinks about it—that the Government of India, although they lose on a concern like this, must not compete with private trade. That is, the taxpayer must pay a premium to the private trader in order that it may make profits and that no work which they can do should be diverted to the Mathematical Instruments Office. Today they can do more work and get more money. They have made a small concession that Local Governments and universities, etc., can give their work to them. Sir, I do not see why this office should not do normal work and make at least its both ends meet. Then there is the Wellington Milk Depot which is another joke of the Government of India. Are you aware, Mr. Deputy President, that they make butter and cream and sell all that at cheaper than cost price? Sir, in this poor country, while exalted personages appeal for freer and cheaper supply of milk for school-children, there are Government concerns which sell milk, butter and cream to soldiers at less than cost price and when I ask, I am told, “there is some old contract”. Well, why don’t you terminate it? Well, for four years we have tried, but nothing gets done. In the meantime, we are being made to make a subsidy to soldiers who can afford to pay for milk and to sell it to them at less than cost price. Similarly, the Karnal Farm, very near Delhi. I do not see why it ought not to be made common with the Imperial Agricultural Farm at Delhi. That does not cost money, but it is being kept up merely because the Provincial Government want it and the Punjab Government stand high in the counsels of the Government of India just now. Then, with regard to expenditure on New Delhi, this is the white elephant of the present Government of India. We have made a recommendation which I hope the Government of India and the House will accept that no expenditure, unless it is of a definitely remunerative character, ought to be charged to capital and all extra expenditure ought to be charged to revenue. I believe there is no financier in this House or outside who can dispute that. The Honourable the Finance Member does not. But there are conservative forces at work which will upset this calculation and I do hope that the Government of India will see that unless the expenditure is of a definitely remunerative character, all expenditure on New Delhi hereafter will be debited to revenue and not to capital.

Mr. B. Das (Orissa Division : Non-Muhammadian) : That should always be done

Mr. S. Satyamurti : I agree with Mr. Das, but we have got mosquitoes, we have got marshes, and we have got to do something. Then, so far as the Central Public Works Department is concerned, I want to say that they work sometimes on behalf of Provincial Governments and when

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we ask questions they plead inefficiency of other Departments or of the provinces. I think some definite policy ought to be evolved by the Central Public Works Department by which the Central Public Works Department should do all the public works itself, or the Provincial Governments should agree on some definite principle of allocation of expenditure. Then, in Calcutta, we have two presses, in Delhi we have another press, we have asked for the two Calcutta presses being amalgamated and that has gone on hanging fire, because of vested interests. I suggest that all these presses should be transferred to New Delhi.

Then with regard to the Indian Stores Department I want to say that we find that the Indian Stores Department does very little work in England and yet it is being kept up—I do not know why. Sir, in the Evidence Volume for 1936-37 at pages 106-7 they will find that the examination of Sir James Pitkeathley went on in this matter. The value of stores purchased in Great Britain was £799,766. Ninety per-cent. of the entire purchase was in Great Britain, in other countries less than eight per cent. Therefore, you will find that an expenditure of £141,386 is incurred for the purchase of £799,766, worth of materials. I submit there is no case for the continuance of this Indian Stores Department in London. It ought to be abolished and, if necessary, a branch of the High Commissioner's Office may be entrusted with work on behalf of the Indian Stores Department in India. We have also made a recommendation, Mr. Deputy President, that such remaining agency functions which are now performed by the Secretary of State for India should be transferred to the High Commissioner and that all charges on behalf of the Secretary of State should be borne by the British Exchequer. It is an eminently reasonable recommendation and I hope that the Government of India will accept it.

We have also this practice of commutation of pensions. We have recommended that it should be charged to revenue and not to capital. Sir, commutation has till now been charged to capital. That is a most extraordinary arrangement and it ought not to be done. The Madras Government in fact has abolished altogether the system of the commutation of pensions, and I commend to the Government of India that example and I suggest that they should abolish this system also.

Now, under Civil Aviation, we have found again and again that there have been great arrears of expenditure. They are trying to catch all that up. I hope they will pull up and will not have great arrears of expenditure on their hands. Then every year we make a provision of three crores of rupees for reduction or avoidance of debt. There are two schools of thought about it. One school believes that three crores is too much; another thinks it is too little. My own personal view is that this ought not to be a permanent or unvarying figure. Our national debt is not very high, but it does seem to me that the earlier we liquidate our sterling debts, the better for us. I would like to see if we cannot make a larger provision than three crores a year for the reduction or avoidance of debt. Then there is a common practice in the Government of India, the Finance Department included, for creating new posts in the middle of the year. That is done in two ways,—first, by reappropriation, which I say is very unsound. This House votes so many crores for services and so many lakhs for staff. To reappropriate from services to staff is to defraud the Legislature altogether. We have no right to increase staff and save money on

the services which this House has voted for. Another is by supplementary demands,—and the Foreign and Political Department and the Finance Department and the Crown Representative's Department have been the greatest culprits in respect of this matter. Sir, in the Budget they ought to put down their requirements of staff. Unforeseen and unforeseeable circumstances may arise, but I claim it is a matter of simple financial propriety that you ought not to go on upsetting the Budget by creating and adding new posts in the various Departments. Now the Finance Department goes on creating new posts of Additional Secretaries, Additional Joint Secretaries and so on, and while that is so, well, the other Departments snap their fingers at the Finance Department and say, "you have done it, why cannot we?" I do hope, Sir, that as the Honourable Sir James Grigg will be shortly going, he will leave behind at least an abjuration that such increase of staff ought not to take place in the middle of the year, without having been provided for in the Budget.

Having dealt with these general matters, I want to conclude by referring to a few small points with regard to railways first. I am talking of those recommendations which are printed at the end of each volume and which are carried on year after year. This is the method by which the Committee keeps in touch with the Government and with its own recommendations and see how far they are carried out. The railway recommendations are contained in the report of 1936-37, on pages 20 onwards. The first two recommendations to which I refer are with regard to saloons and free passes. About the saloons they have promised that they will incur no fresh expenditure, but I think the Committee has asked them to inquire whether the number of saloons maintained for the use of the railway officers cannot be reduced. These saloons were built and the number was settled when the travellers' bungalows were not available. It seems to me that a case does exist for the reduction of these saloons. On free passes, I have said, at least in the case of higher paid officers, that their number should be reduced. On page 22, there are just two other recommendations that the Railway Board would bring to the notice of the Administrations concerned, namely, the comments made by the Director of Audit with regard to pay and control of expenditure on the Bengal Nagpur Railway and the East Indian Railway. I think these are the two railways which have shown some deterioration and the Railway Board must do something to pull them up. The other recommendation is No. 15 in which we have asked the Auditor General in consultation with the Railway Board to investigate the possibility of modifying the present method of accounting with a view to avoid large variations between the estimates and the actuals.

Then, I go to the general report of 1936-37 and I want to draw the attention of the House to just a few of the recommendations which start from page 50 of the report, Volume I. I have referred to the Mathematical Instruments Office already. I want to draw the attention to the position of the Government on page 51, where it is said :

"The Government of India have decided that it is neither practicable nor desirable to allow the Mathematical Instrument Office to take work direct from the public. The Mathematical Instrument Office will continue to undertake certain special classes of work for private and local bodies."

Then, Sir, we have already recommended the device of different lump cuts being considered in connection with certain grants where there have been certain savings. This has worked well in the railways and I commend to the Finance Department and to the Government of India the extension of this system more and more.

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Then, I talked about the Secretary of State and his functions and those recommendations are on page 52. We have said :

"That unless there are very strong administrative or financial reasons for continuing the existing system the agency function at present performed by the India Office on behalf of the Government of India should be transferred to the High Commissioner and the remaining cost of the India Office should be borne by His Majesty's Government."

The Government's answer is:

"It is hoped that this question will shortly be investigated in London by a representative of the Government of India."

I understand that Sir Ernest Burdon, when he was last in England, examined this question. I want to know whether the Government of India have heard anything from him and, if so, what his recommendation is. Then, on page 54, we recommend :

"That the legal difficulties, if any, with regard to the recovery of money due from an officer on pension should be examined, and if necessary legislation should be undertaken to remove them."

The cause for this is this that sometimes we find that officers who commit frauds retire on pension and then we are told that we cannot recover any money from their pensions. The Government of India's action (page 55) is this :

"Draft rules, providing in respect of new entrants to the Secretary of State's Services for recoveries from pensions, were forwarded to the Secretary of State for his approval. He has decided, however, in view of existence of means of recovery in cases involving fraud through the law courts, of the difficulties attendant on investigation when the retired officer is resident out of India, and of the resulting discrimination between the liabilities of pensionable and non-pensionable Services (provident funds become absolute property of an officer on retirement), not to frame such rules. The Government of India are reluctant, in this matter, to treat other Government servants differently from Secretary of State's officers, and have consequently decided to abandon the proposed amendments in respect of the Services under their control."

The Government of India have not done well. The Provincial Governments have not hesitated to reduce the scale of services under their control, because the Secretary of State will not do so for the services of those who are under him or who are recruited by him. Similarly, it seems to me that the Government of India, accepting the validity of these rules, should make them applicable to all the services under their control and thus bring moral pressure to bear upon the Secretary of State so that he may also abide by this rule. With regard to other recommendations, I have already referred to various recommendations in the course of my speech.

Now, Sir, I wish to conclude by making a reference to the work of this Committee itself. We find that on the whole the Committee, because of the principle of continuity which this House has observed on behalf of all Parties, is trying to assert itself. But I do feel, as I said at the beginning of my speech, that the Chairmanship of this Committee ought to go to the Leader of the Opposition or some other non-official Member and not be in the hands of the Finance Member. I repeat that I view with alarm the fact that a Civilian Finance Member will be the Chairman of the Public Accounts Committee. For the last 15 years, practically ever since the Public Accounts Committee began to function, we had three non-Civilian Finance Members, Sir Basil Blackett, Sir George Schuster and Sir James

Grigg as the chairmen. They may be good or bad but, at any rate, they were not Civilians. Therefore, they did not have the prejudices of a life time and they generally bring to bear upon these financial questions somewhat of a fresh mind. To get a Civilian hereafter is going to be a handicap, and I trust that this House will insist upon a non-official chairman of the Public Accounts Committee. I do hope that the Defence Department will be taught by the Finance Department its own place. They are not really now under any control whatever. They are their own masters. Do you know what the Finance Department does when it wants to increase its staff? I am seriously told by the Finance Secretary that whenever they want any extra expenditure for staff, they ask the consent of the Home Department, and the poor Home Department cannot say, 'no' to them.

I suggest to the Honourable Members, who have got the time, to read these volumes, both the report and the evidence volumes. Sir James Grigg fought very hard against the publication of these evidence volumes, but the House asserted itself. The evidence volumes have now been published, although there is a somewhat intriguing note at the beginning of the volume that they cannot be read as if they represent the entire proceedings but are merely illustrative. I see no sting in it, but even as it is, the evidence volumes will serve some purpose. I have said more than once, and I repeat to the House that whatever the Finance Department or the Finance Member may think of the Public Accounts Committee, it has made itself an instrument of fear to the spending departments. The spending departments are often told by the Finance Member, "you ask for more money, you ask for re-appropriation and you ask for supplementary grants, but what shall I say to the Public Accounts Committee". I claim that as a result of four years of work of the Public Accounts Committee. With greater accuracy of budgeting and wise and better control of expenditure, they are sure to improve, except in the case of the Civil Works Department and the Defence Department. We hope that both the Railway Codes and the Army Regulations are on their way to completion, the numerous unauthorised funds in the North West Frontier Province have all been closed.

There is one subject to which I did not refer. If you refer to the Budget volumes, you will find there is a grant for Loans and Advances to individuals, Princes and Notabilities and others. I do not see why they should get these loans. I think the system is very nearly stopped, and I think we ought to get back these loans as early as possible. I do not see why the poor taxpayer's money should be spent on these loans and advances to big people.

On the question of supplementary grants and reappropriations also, we have evolved a new technique which I trust has given greater control to the Finance Department generally and this House also. That has been the work which we have done for the last four years in the Public Accounts Committee. What the future has in store for us nobody knows, but whatever the future may be, I trust that this House or its successor will have always a watchful, vigilant, alert and hard working Public Accounts Committee which will not hesitate to do its duty by the taxpayer, that it will have a vigilant and alert Chairman who will not be too much impressed by the difficulties of departments and last but not the least this Government or its successor and their officers will learn to recognise in the Public Accounts Committee a friend and not an enemy.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural): Sir, I take this opportunity of recording the good work done by the members of the Public Accounts Committee. This is a statutory body of the Assembly and we are thankful to the Members for placing before us a volume of information but for which we would have no opportunity of understanding the working of the various departments. I frankly say that I have read carefully the volumes of evidences as well and I was very much impressed by the manner in which our Members carried on their duty in this committee. I hope that the Government officials will recognise that the Members of the Public Accounts Committee enjoy the fullest confidence of the House and they represent not only themselves but they represent the House and the taxpayers of India. I must say that while we are discussing the Public Accounts Committee report, we are not discussing the work of the Honourable the Finance Member alone, but we are reviewing the work of the Government of India as a whole. It is rather a pity that other Members of the Government of India, except the Honourable the Finance Member, do not choose to find it convenient to be present here to listen to the criticisms of their respective departments. They treat this as a matter of no consequence. Unfortunately the Finance Committee has ceased to function for the last two years and the only way by means of which other Members get the information about the working of the Government officers is by means of the report of the Public Accounts Committee.

Now, I come to a few specific points. First I take up the report on the Accounts for 1935-36. At page 37, they have raised this question of charges levied on the Postal Department for the haulage of postal wagons. The Public Accounts Committee raised this question that the amount which the Post office really pays to the railways for the haulage is not enough. I have got before me a report written about the Great Indian Peninsula Railway. It has raised the very same question and it says that the haulage for postal vans, for a four wheeled vehicle on the broad gauge is 36 pies per mile, in the case of military wagons, the charges are 66 pies per mile and the haulage for a Government-owned four wheel van on the broad gauge is 72 pies. While the Government are paying as much as 72 pies per mile, the military is paying only 66 pies and the postal people are paying only 36 pies. If only you calculate the loss on the Great Indian Peninsula alone, from 1932-35 during the three years, they have sustained a loss of 61 lakhs on account of the under-charge for postal vans. I think it seems most desirable that this question ought to be amicably settled between the railway authorities and the Postal Department. Both of them profess to be commercial departments and it is not desirable that the burden of expenses of one commercial department should fall on another commercial department. They, of course, might say that they have settled the affairs among themselves. But it is not correct. It should be settled in a more equitable manner.

Now, coming to the report for 1936-37, there the question of ticketless travel is raised. The Public Accounts Committee report says :

"As regards ticketless travel, the Chief Commissioner stated that the appointment of additional ticket collecting staff and intensive checking had an immediate effect, and that every effort was being made within the existing law to reduce the possibility of evasion."

I have repeatedly said on the floor of this House that they are not introducing proper methods for checking tickets. They are constantly

keeping the ticket checking staff in a state of great dissatisfaction. They are not doing justice to them and the result is that they do not carry out their duties properly. I have been fighting for the last five or six years for doing justice to the ticket checking staff if you want to produce better results. There the fault does not lie altogether upon the ticketless travellers. It also lies on the system which the Railway Board have introduced, especially on the East Indian Railway and the North Western Railway. Therefore it is very desirable that before any legislation is undertaken on this matter—I am sorry to say that the Honourable the Railway Member is not here to hear the criticism levelled against his department—it is desirable that they should set their own house in order. They make no efforts whatsoever to improve the system of checking tickets and they come here to the House with drastic measures to clothe themselves. In this connection I have repeatedly pointed out and fought with the Financial Commissioner that the system of checking tickets ought to be left to the auditing department, but they have transferred it to the operating department. This is entirely unsatisfactory.

Now, I come to the question of passes. Here, I am afraid I do not see eye to eye with my Honourable friend, Mr. Satyamurti. I really join hands with my friend, Mr. Lalchand Navalrai. If you deprive your staff of legitimate passes, you are keeping them dissatisfied. You cannot get any work out of a discontented staff.

The Honourable Sir James Grigg: Then give them all they ask for? Is that your way to keep them satisfied?

Dr. Sir Ziauddin Ahmad: To a reasonable extent, I do not think the Railway Department will lose much if they restore the conditions of passes as existed in 1933.

The next point which I should like to refer to is the question of amalgamation of railways which is raised in the report for 1936-37. In this amalgamation question, the Railway Board have gone definitely against the recommendations of the Acworth Committee. They say that this amalgamation will not yield the desired result and they even go so far as to criticise the system of amalgamation in the British railways. I think they are taking us in a direction opposite to the direction in which the world is moving. It is universally recognised that the system of amalgamation on the whole is more efficient and certainly it is much cheaper. Now we are led to believe that this system is not the right thing and that we should have various railway administrations in order that—the phrase used actually is—there may be a healthy competition between them under one central administration. I think they forget that there is an enormous expenditure on account of the duplication of work. Look at the Clearing Accounts Office: the whole of this department is waste and they should have abolished it long ago. Then there is the question of supervision and overhead charges. If we abolish these agencies it is absolutely certain that there will be an enormous saving in the overhead charges. Therefore, we ought to reduce the number of agencies and reduce them, if not to one, at least to four just like the four divisions of the Army. Therefore, amalgamation is a thing which ought to be taken up.

[Dr. Sir Ziauddin Ahmad.]

Then, on page 13 of the report for the year 1934-35, the Public Accounts Committee has discussed the question of auctioning waste matter. This question has become really scandalous as far as the North Western Railway is concerned. Our attention was drawn to it about six years ago and a series of questions were put here. People who were responsible for running the railways deliberately changed tried auctioneers and put in some other persons for this work who were not equally efficient. Then there was the question of the sale of scrap iron. There is a great deal of scandal going on in the North Western Railway over this question, so much so that any person who gives any assistance to the person making an enquiry is punished and, therefore, they want to keep all the facts confidential not only from the public but from the Members of the Legislature and also from the very officer who is going to make the inquiry. I think this question of scrap iron on the North Western Railway is as scandalous as the Kangra Valley affair where, when the scandal came out, the man in charge burnt all the papers and left the country. We, who represent the taxpayers of the country and who are the real sufferers, should look into it and see that there is no waste.

Next I come to the Wedgwood Committee. A good deal has been said about this Committee. I have seen a note which said that there are two kinds of committees which are useful. One is a committee of a single individual who gives his views which you may or may not accept. A good example was the Niemeyer report on the general administration and the Robertson report on the railway side which was written in 1902. A second kind of committee which is also useful is where you have representatives of every interest and the discussions and evidence are all open and every side of the question is fully discussed. A good example of such committee was the Acworth Committee and also the Islington Committee. But a committee of the type of the Wedgwood Committee is worse than useless. What has happened in this case is that the railway officials wrote the report and got the sanction of the committee in order to carry on their work. Therefore, a committee should either consist of a single individual whose opinion may or may not be acted upon or one in which public opinion is strongly represented and every side of the question clearly discussed. But a committee of this kind is a waste of public money and does great harm to the country, and the less we talk about the recommendations of this committee the better. I think the Public Accounts Committee has done a very great service to the country in criticising in detail every recommendation of theirs and Government will do a real service to the country if they shelve this report and take no action as if the committee did not exist. We are on the eve of the Federal Railway Authority and we do not know how it will work, but I am myself getting very nervous about the future of the Indian railways. I will take only one example. In 1924 at the time when Government acquired the East Indian Railway there was the unanimous verdict that the East Indian was the best managed railway in India. But after coming under the Railway Board this line is now reduced to a position where people tremble to travel. There are undoubtedly certain defects in the administration of the railways but as we will have a debate on this in a few minutes I will not deal with them here. But the fact is that they call it a commercial line

but they change their manager at very short intervals. They gave a large number of extensions to Mr. Colvin, but besides that one case you will find that there had been frequent changes in the Agents, none of them was permitted to stay on for more than two or three years and some of them, less than one year. Every Agent had been counting days of retirement. Then there is always a confusion of responsibility between the Agents on the one side and the Railway Board on the other. Therefore there is this one of the points that is responsible for the deterioration of the administration on the East Indian Railway. In addition to this frequent change of Agents, confusion of responsibility, there is also a constant sense of rivalry between the O. R. R. Staff and the East Indian Railway staff since they were brought under one regime in 1925. This is a thing which requires very serious consideration. Since the Acworth report we have adopted a definite policy of acquiring these railways and bringing them under State administration. At the same time we have found that the working of the Railway Board which represents the Government of India has not proved a great success. We require a definite change in the policy and personnel and the method of administration of the Railway Board as well as in the case of the Agencies and I think we should undertake it at once specially when we are to hand over the entire administration to a small board to be called the statutory railway authority. This particular body which will come into existence will have all the powers which are now enjoyed by the Governor General in Council, the Member in charge of Communications, the Legislative Assembly, the Public Accounts Committee and the Finance Committee. All these powers will now be vested in the statutory Railway Board and I think there is a talk that the members of the Board should be part-time officers.

Mr. President (The Honourable Sir Abdur Rahim): What is the Honourable Member discussing now?

Dr. Sir Ziauddin Ahmad: I am discussing the Wedgwood Committee's report which has been mentioned here.

Mr. President (The Honourable Sir Abdur Rahim): The Chair would like the Honourable Member to give the reference to the page of the report.

Dr. Sir Ziauddin Ahmad: I refer to the report of 1935-36 which relates to the Wedgwood report.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think the whole of the railway administration is under review here.

Dr. Sir Ziauddin Ahmad: The statutory railway authority is discussed and reference made to the recommendations of the Wedgwood Committee on pages 22-27 of the report for 1935-36.

Mr. President (The Honourable Sir Abdur Rahim): But the general administration of the railways is certainly not discussed here. The Honourable Member will have plenty of opportunity when the Railway Budget comes. All this is irrelevant to the present discussion.

Dr. Sir Ziauddin Ahmad: All right, Sir. I will leave this particular question till the Railway Budget comes. I would next point out that there should be greater scrutiny of capital expenditure of the railways. There is an enormous waste in capital expenditure: money is being spent lavishly and as the Public Accounts Committee has remarked, it is now proposed that the capital should be written off. It really means that the taxpayers will have to pay the entire amount. This requires serious consideration. With these words I conclude my remarks.

Prof. N. G. Ranga (*Guntur cum Nellore Non-Muhammadan Rural*): Sir, I am glad my honourable friend, Mr. Satyamurti, has already stated most of the points that have to be mentioned to the House. It is quite like him, because, even on the Public Accounts Committee, he does most of the work on behalf of almost all the members excepting Sir James Grigg, because Sir James Grigg does not allow his work to be done by anybody else.

The Honourable Sir James Grigg: Will the Honourable Member repeat his joke?

Prof. N. G. Ranga: You look into the proceedings. Sir James Grigg has already got too many compliments from my Deputy Leader, and I do not think he is in need of any more. But I would admit that Sir James Grigg is a very clever and intelligent man.....

The Honourable Sir James Grigg: I wish I was sure you were a better judge!

Prof. N. G. Ranga: After having seen Sir James Grigg in the Chair, I am particularly anxious to have an ordinary non-official Member of this House to be the Chairman of the Public Accounts Committee...

The Honourable Sir Nripendra Sircar (*Law Member*): What is an ordinary Member?

Prof. N. G. Ranga: A non-official Member of this House. It is for this reason, that Sir James Grigg has come to this country with very definite views. He was not very much in favour of State ownership of railways, nor was he very much in favour of legislative control over those railways or railway officials; with the result that in the very beginning he has taken us in, including my Deputy Leader, by his great affection for railway economies. He was so plausible and so reasonable and anxious about the Indian finances that he made us all realise that the time had come for the appointment of an expert to go into the railway finances. I do not know how it happened; but, somehow or other, all our financial experts were simply taken off their feet, and we were all made to feel that we were going to be faced with a deficit of five to six crores in the railways; with the result that there was a regular panic—a Zinovieff letter—not exactly a letter, but something like it, and so we agreed to the appointment of this committee. On second thoughts we said an expert committee. It was an expert committee, but he did not give us what we wanted: he gave it in his own way, and unfortunately

we did not know, and we do not seem to be any the wiser even today, that Sir James Grigg has his own way of doing things. He gave us a committee which went fundamentally against the very principle that was accepted by this House and by the country in regard to the management of railways that more and more Company railways, as their contracts came to end, should be taken over by the State under State management. The committee has recommended against that. Secondly, there were these railway accountants.....

[It being Four of the Clock.]

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The adjournment motion will now be taken up.

MOTION FOR ADJOURNMENT.

DERAILMENT OF THE DEHRA DUN EXPRESS.

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): Sir, I move:

That the House do now adjourn.

I think I am voicing the feelings of every one present in this House when I say that our sympathies go to the injured and to those who have suffered because of this disaster and to the relatives of the deceased. This disaster took place more than three weeks ago and it was hoped that coming as it did after three other serious accidents within the space of seven months the railway authorities would take prompt action to restore confidence in the travelling public. We had also hoped that the least that could be done to restore public confidence was to hold an inquiry by an impartial tribunal. But nothing was done. As a matter of fact, there has been a demand for an enquiry by an impartial tribunal from all quarters. Babu Rajendra Prasad, of all persons, made a demand for it and said in his statement that reports had reached him that all that was humanly possible had not been done for the rescue of the injured and that the public was not allowed to go near the place of accident to render help to the injured. But, short of an inquiry held by the Senior Inspector of Railways nothing has been done. There was a demand made by the Bihar Government and a resolution was passed to that effect unanimously by the Bihar Legislative Assembly, and it was hoped that the Government of India would accept it. Honourable Members are aware that when an adjournment motion was moved in the Council of State the Chief Commissioner for Railways stated that he had received the resolution only a couple of hours before the actual discussion took place and he would sympathetically consider it and see whether a committee was necessary. We had hoped that by the time the Assembly met the Government would have come to a decision on this question which has been agitating the public mind. Not only from the point of view of the Government but even from the point of view of the railway administration it was necessary that prompt action should have been taken by the Government.

After all, the East Indian Railway is one of the railways which yields the biggest revenue. These accidents have taken place one after another in practically the neighbourhood of the same locality, and, naturally, feelings of insecurity and anxiety have been aroused in the travelling public. Representations were made even by Chambers of Commerce for the appointment of an inquiry committee but nothing has been done. After all it was the duty of the Government, even supposing

[Mr. Mohan Lal Saksena.]

that the theory of sabotage was true, that the finding that the accident was due to sabotage should have been confirmed by an impartial tribunal. Why should the Government fight shy of it? Either the Government and the railway authorities did their best and all that was humanly possible to give relief to the injured and to rescue them from the debris or they did not. If they had done what was humanly possible, they should be only too glad to appoint an impartial tribunal; but instead of that Sir Guthrie Russell in his speech almost supported the finding of the Senior Government Inspector, nay, he even went to the length of justifying the theory of sabotage by saying that an engine could jump like a jumping horse about 36 feet without rails on jaws. Sir, I am not prepared to believe that. It may be correct, but certainly a layman like myself cannot believe that a heavy engine could move simply on jaws, because we must bear in mind the fact that between the jaws there are gaps, and the wheels of the engine could pass only on these jaws, but the tender could not pass over these jaws although its wheels are comparatively much lighter than those of the Engine. But whatever the cause, it was up to the Government to appoint an impartial tribunal to inquire into the cause of the disaster to find out whether everything that was humanly possible had been done to give relief to the injured, to extricate those who were injured and thrown under the debris.

I do not know if the Honourable Member is aware of it, but there are rumours afloat that the fire that broke out was due to the negligence of the railway authorities. It is said in the Report of the Senior Government Inspector for Railways that perhaps some passenger was smoking and he must have thrown down some lighted match stick, and that led to the fire. I am not inclined to believe that theory either, because from the Report itself it appears that within 15 minutes of the accident the fire broke out, and I am sure none of the passengers could have had so much composure or peace of mind at that juncture as to enjoy a smoke just near the place where the accident took place. As a matter of fact, there was a letter in the *Statesman* of the 31st January in which it is stated that the fire might have been due to something having gone wrong with the electric fuse. Whatever the cause of the fire may be, the fire greatly added to the suffering of the injured passengers. But what surprises me still more is that the fire was not extinguished for another 36 hours. Even the biggest fires are controlled. There were railway trains passing to and fro, fire extinguishers could have been requisitioned even from Calcutta, but nothing was done, and it is admitted that the fire was extinguished only after 36 hours after it broke out. Sir, these things show that there is something rotten in the railway administration, and it needs careful looking into. As a matter of fact, as I said before, I had expected that before this House met, the Government would, of their own accord, announce the appointment of an impartial tribunal to inquire into the cause or causes of the accident,—I shall not call it an accident but disaster,—to find out whether all that was humanly possible was done to give relief to the injured and to find out the number of the dead. After all, one cannot do anything to bring back to life those who are dead, but you must realise the amount of agony and suffering their relations must have suffered, and the least that the Railway authorities could have done was to extricate the dead bodies and restore them to their relations, but even that was not done. All the dead bodies were

not recovered, and most of them were perhaps consumed by the fire. The speech of the Honourable Sir Guthrie Russell is here, and in that speech he stated thus: I read this from the *Statesman* of January the 28th:

"Referring to the demand for a public inquiry Sir Guthrie drew attention to the motion for the appointment of an inquiry committee accepted by the Government of Bihar in the Bihar Assembly. Up till about two hours ago the Government of India had received no communication from that Government in this matter, but since then the following telegram had been received :

'Legislative Assembly passed resolution on January 19th advocating appointment of impartial tribunal to inquire into causes of recent railway disaster near Hazaribagh Road. Provincial Government feel that such inquiry is very desirable in the interest of all concerned and support resolution strongly. They trust Government of India will agree to it'.

Sir Guthrie then gave an assurance to the House that the Government of India would give the most earnest consideration to this request from the Bihar Government."

Sir, this was on the 27th January. Since then a week has passed, and we do not know what decision the Government of India have taken. So far as the Government is concerned, we should censure them for not having taken prompt action, for failing to allay the feeling of insecurity and anxiety that has been caused in the minds of the travelling public, because I am sure this disaster is bound to tell heavily on the revenues of the Railways, besides being a blot on the railway administration. After all, in a case where no less than 21 persons lost their lives and 71 were injured, I think it was only in the fitness of things that the Government should have appointed an impartial inquiry to show that they were not going to shield anybody, and whoever was to blame would be punished. Sir, the theory of sabotage has been trotted out so often that people cannot easily be persuaded to give any credence to it. The theory of sabotage was trotted out in the Bihra disaster also, and as Mr. Justice Thom's Report shows, it turned out to be nothing but the figment of imagination. It may be, that in this case the accident was due to sabotage, and, therefore, it is all the greater reason why Government should have appointed an impartial tribunal to confirm the findings of the Senior Railway Inspector. Sir, I submit that the Government has failed to do its duty on this occasion, and therefore it should be censured. With these words, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Assembly do now adjourn."

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Mr. President, the day that you and myself left Calcutta, Saturday night it was, a friend of mine came to my house and took me to a place where there was a big poster of the Imperial Airways, and on that poster there were these words written prominently—"Travel by the Imperial Airways, and see the world". Some intelligent traveller, travelling by the East Indian Railway, added another line which said—"Travel by the East Indian Railway, and see the next". There were posters of this kind all over in Calcutta—"Travel by the Imperial Airways, and see the world", and some intelligent youngman, who had travelled by the E. I. R., added another line which said "Travel by the East Indian Railway, and see the next". Mr. President, you and I would have seen the next while travelling by the East Indian Railway on that day. It was a miraculous escape that we did not see the next.

[Sir Abdul Halim Ghuznavi.]

Sir, this is the sixth accident on the East Indian Railway, and see the callousness of the Members of the Railway Board and even of the Communications Member. Why did they not think it fit to go straight to the spot as soon as they heard that there was an accident involving loss of life? It was the duty of the Communications Member and of the Chief Commissioner of the Railway Board to be on the spot then and there, and not leave it to the Agent or the General Manager who is in the position of an accused person in the case. We must condemn emphatically the attitude that they have adopted. Whether it was due to sabotage or not, it was their duty to have gone to the spot at once and seen for themselves what was the fact. When Justice Thom's enquiry was instituted, the Railway Board did their very best not to have that enquiry. When myself and Sir Ziauddin Ahmad insisted upon the Member in charge of Railways that, unless he agreed to judicial enquiry, we would move an adjournment motion in the House in September, 1937,—it was that that made him agree to that enquiry,—it was Sir Sultan Ahmad.

An Honourable Member: He came from Bihar.

Sir Abdul Halim Ghuznavi: And also all these accidents happened in Bihar. After the submission of the report, we expected a drastic change in the E. I. Ry. administration. Apart from what Mr. Justice Thom said, it was the duty of the Railway Board to see that there was a drastic change. In any other country, they would have dismissed the whole lot, but here, in India, you can do whatever you like. In this irresponsible Assembly, you pass condolences and sympathy with the deceased and there the matter ends. We have been told that this was a pure and simple sabotage. It may, or it may not be. In the newspapers, statements after statements have appeared. The first statement that the driver made was that a number of rails had been removed, but now the Government Inspector says that only one rail has been removed, and he demonstrates that with all sorts of photographs. Even supposing it was due to sabotage, it was a serious thing, and besides, the travelling public is alarmed. In the course of 18 months, not less than six . . .

Mr. S. Satyamurti (Madras City · Non-Muhammadian Urban) · Eight, because two afterwards.

Sir Abdul Halim Ghuznavi: Not less than six involving loss of life, and nothing is done. Mr. Bell, the General Manager, on that very Saturday, the 28th, was explaining to the Local Advisory Committee that he had taken all precautions and that there would be no further accidents. And the very next day, you and I, Mr. President, would have seen the next! Only the previous day he had assured the Local Advisory Committee, and the very next day, at 12 o'clock, you and I would have seen the next.

Mr. President (The Honourable Sir Abdur Rahim): I do not think the Honourable Member's appeal will become any stronger by linking my name with his.

Sir Abdul Halim Ghuznavi: We do not know what story will be told about the derailment of the engine of 1-Up in which we travelled. But one thing I have noticed. Immediately after the accident, the driver began to hunt for something to say that something was placed on the line, but he

found nothing. There was a gentleman travelling in another compartment, he was an officer of the E. I. Ry., and he immediately began telling my Secretary that something was put on the line, otherwise there was no cause of the derailment of the engine. I will demonstrate that there was nothing wrong with the line; all that was wrong was with the engine. This is the time table of the E. I. Ry. The up mail in which we were travelling—the accident took place after we passed Athsarai and before we reached Kanwar. We would have reached Fatehpur at 12-3 noon if the train was running in time, but the train was late by half an hour at Allahabad. At the time I saw my watch, it was 11-45. The Down Delhi Express had passed, it is a single line—there is no question of a double line. The Delhi Express had passed the very same place just an hour before. Therefore, the question of anything put on the rail will not stand in this case as that train passed quite all right—the train which preceded our train. What I noticed was

The Honourable Sir Nripendra Sircar (Law Member): You are now discussing another accident, not the Hazaribagh one.

Sir Abdul Halim Ghuznavi: No. Mr. President has given us latitude to discuss generally.

The Honourable Sir Nripendra Sircar: I am not quarrelling with latitude and longitude.

Sir Abdul Halim Ghuznavi: I will close this after telling this one little portion which will complete the picture of this accident. After that, we got down and what did we see? The four small front wheels of the engine were out of the lines two or three inches and they must have been derailed sometime before the engine was brought to a halt as the fishplates and other fastenings were found broken and damaged for about a quarter of a mile. (Produces a broken portion said to have been brought from the scene of accident). But for broad day light and the further fact that the train was passing slowly as there was a station ahead (Laughter), there is no use laughing, we would have seen the next. And when the third bigger wheel of the engine gave a jerk, the driver immediately stopped. Otherwise, we would not be in the Assembly today.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has narrated his own experiences. He had better come to the motion before the House.

Sir Abdul Halim Ghuznavi: The motion is that we demand a judicial inquiry into the Hazaribagh accident, and we also want to condemn the action of the Government in not taking proper steps to stop these accidents. We also condemn the callousness of the Member in charge and the Railway Board for not going there on the spot to render all possible assistance and find out what the facts were. Whether there was sabotage or not, the House and the public will not be satisfied until the Government agree to a judicial inquiry. Not only that. That report must be placed before this House for its consideration. In the meantime, they must take action in the East Indian Railway. The inquiry will take time, but there must be a drastic change in the whole system of the East Indian Railway. Otherwise, we shall not be able to travel by the East Indian Railway, and we will reach Calcutta *via* Bombay after four days.

[Sir Abdul Halim Ghuznavi.]

Then, about the fire, it is only this morning that the Honourable the Communications Member said that 21 people died. How does he arrive at the figure of 21 when four full bogies were burnt to ashes? Nothing can be traced of these men except the ashes. I am still unable to understand what is the reason for the fire. It is stated that the railway was carrying kerosene oil.

The Honourable Sir Thomas Stewart: That is not the case.

Sir Abdul Halim Ghuznavi: That is the statement of Sir Guthrie Russell in the Council of State.

The Honourable Sir Thomas Stewart: That is not the case.

Sir Abdul Halim Ghuznavi: In the statement made in the Council of State, as to the cause of the fire, he referred to a number of tins of kerosene oil in the carriages which presumably burst into flame.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): Sir, I support the motion. I had been to the spot and as I begin to speak, the whole picture of the horror comes to my mind. The disaster took place on the 12th January last just after 3 A.M. all the newspapers in the country and especially the Bihar papers have dealt with all matters connected with the accident in all its aspects. I have seen all the papers regarding this accident. Our Congress workers were deputed to watch what was going on there. They stayed there for a long time. There is a report that Congress workers were not allowed to go near the scene of the accident. They were kept out. They were not even allowed to talk to the injured persons by the railway officials and the railway police. I have discussed all matters with important Congress workers. Only today I have seen the report of the Senior Government Inspector. As regards the causes of the accident and the amount of losses in life and property, the report of the public entirely differs from that of the Government Inspector. The Government figure is 21 dead and 77 injured. My friend Sir A. H. Ghuznavi, rightly asked how the figures were arrived at, as four bogies were completely burnt out to ashes and one bogie was completely smashed to pieces. According to the Government figure 480 persons started by this ill-fated train from Howrah. We leave out of account those who got into the train and left the train at the intermediate stations. But in such a fast train only long journey passengers travel. The figure given by Government is 98. Then are we to take it that 382 persons are safe and alive. This ill-fated train consisted of nine bogies and four bogies were burnt to ashes and one was smashed to match sticks. On this spot, the railway line runs on an embankment about 20 feet high and the train capsized at the bottom of the embankment, entirely upside down. Even now any men can go and see the horror of the situation. There have been a number of reports. I invite the attention of the Communications Member to the statements made by Babu Rajendra Prasad, the leader of my province and another report by Babu Narayanjee who was deputed by the Bihar Provincial Congress Committee to visit the place and to report about the disaster and the third report submitted by Babu Bajrang Sahai.

the Pleader of Giridih. All these reports show that the facts were concealed. The inquiry was made as if it was a secret inquiry.

The Government Inspector has said nothing as regards the point—how the capsized train caught fire? As my Honourable friend has said, there might have been some kerosene tins. But there is a general impression that the fire was set to the capsized train deliberately by some railwaymen in order to make the losses untraceable. Sir, it is very difficult for me to believe this rumour or impression; I cannot say that human nature can go down so low. Then there is also the sabotage theory, but there also I cannot say that human nature can go down so low that people can indulge in this sort of sabotage in order to kill people. Sir, I can understand that there are accidents. It is absurd to hope that any amount of human ingenuity can make it impossible that there will be any accidents, but I cannot understand when I see an attempt on behalf of the authorities to conceal facts to minimize the horrors and also to minimise the losses. Sir, as I have said before, it is very difficult for me to talk on the situation there. I shudder. My friend said just now that the officers of the Railway Department and other officers did not go there. They might thus have seen the thing for themselves. As regards the sabotage theory they may say anything, but the general impression there is—and I think there is some mention of this character in the Government Report also—that this accident was due to an excessive speed of the train. I have seen that the Government Inspector like a good advocate has refuted the arguments which may be described as explaining the cause of the accident and in the absence of all other causes, he has come to the conclusion that this must be an act of sabotage. This is the argument of the Senior Government Inspector. But I would say that there is a general impression in the locality that the theory of sabotage is a mere myth, a mere concoction to belittle the horrors of the situation. But I may say this much that why should there be this sabotage? Even for that the railway authorities are wholly and solely responsible. Sir, in any case there is an accident, and there is loss of life, and when they cannot say that three hundred and eighty two people are safe and alive, can anybody say that three hundred and eighty-two people were in the four bogies that remained, that were not burnt? Sir, there is one thing which Babu Rajendra Prasad laid great stress upon and it is this, namely, the callousness of the railway people of the train which just passed the scene on the day of occurrence. They did not stop; the shrieks and shouts of people they did not hear, they did not care for all that, they were not moved by these things, and they went on. Sir, what is all this? Four serious accidents have taken place within the last eighteen months, and after that, there is the report of a sabotage either concocted or reported from Bihar on the main line and there is another accident on the East Indian Railway in the Palamau district. So, are there so many acts of sabotage? If so, then what is the use of this Government? Sir, it appears that the whole system is rotten and it should be demolished and reconstructed altogether. But I know, however, that this will take time and we are not in a position to do that now. But so far as this accident is concerned, as my Honourable friend said, there must be an impartial inquiry, and that at once. Sir, I wonder at the callousness of this Government of India,—I wonder that they are waiting and waiting and considering and considering and I do not know how long they will do that. There is already in the Bihar Legislative Assembly a resolution already passed and that unanimously demanding the instituting of such an inquiry. I hope every Member who

[Mr. Ram Narayan Singh.]

can imagine the shrieks and shouts of the dying and injured people will vote for the motion and Government will not have the courage to resist that. With these words, I support the motion and hope that this will be unanimously carried and Government will have the sense and justice to institute an inquiry at once.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadian Urban): Sir, I gave notice of a similar motion for adjournment, but as this motion has come before us I rise to support it. Sir, in the course of the last two years no less than eight or nine accidents have happened on Indian Railways and most of them have been of a very serious character. There has been a very great loss of life, limb and property and still no serious steps have been taken to find out the causes of these disasters.

Sir, the theory of sabotage has been advanced time and again. At the Bihta inquiry it was found that sabotage was not the cause. But this theory has again been advanced on the present occasion. It may be asked—How is it that the East Indian Railway has been singled out for this sabotage? Even if it be true that sabotage was at the root of the disaster, we should try and find out why this sabotage has occurred again and again. Was there any genuine grievance on the part of any of the employees of this Railway?

Then, again, we should consider what are the other possible causes. One possible cause may be the defective railway track. It is quite possible that owing to retrenchment men who were employed on repairing the lines have been dismissed and that these railway lines are not now kept in a proper state of repair. That may be one cause. Another cause may be the speed at which the trains are run. I saw in the papers that this train was running at a speed of fifty-five miles an hour. I am not a railway expert, but it is quite possible that when a train runs at the speed of fifty-five miles an hour and has to turn a corner a disaster may occur. It should be found out whether an excessive speed was the cause or not. Then, again, the condition of the engine, has to be considered. It was found at the Bihta enquiry that a particular type of engine, the XB engine, was not suitable. I do not know whether the engine used on this occasion was a suitable one or not. Lastly, we should try and find out what was the physical and mental condition of the driver. Was he sober, or was he drunk? The fact that these disasters occur about midnight lends colour to the suspicion that the drivers are not always sober. I do not say definitely that this was the cause; but that was a possible cause, and the real cause has to be found out. Then, again, what was the cause of the fire? It has been said that there were tins of kerosene oil which inflamed the carriages. How was it that these tins of kerosene oil were allowed to be carried? Were they carried by private persons or were they carried on account of the railway goods traffic?

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Certainly not.

Dr. P. N. Banerjee: If the tins of kerosene oil were carried by private passengers, why did the Railway Administration allow it? This requires an answer. This shows that the Railway Administration is at fault,

and it has signally failed to prevent accidents although they have occurred time and again.

I come to the question of giving relief to the injured. It has been said on the floor of this House that the Railway Administration failed to give prompt relief and to do rescue work and that when other came forward to do rescue work and to give relief to the injured and the suffering the Railway Administration prevented them. Is it true? An answer is needed. If this be true, then there could not be a more callous attitude on the part of the Administration than this. A friend of mine was travelling by this train and luckily he escaped with minor injuries. I have heard from him the detailed story of the whole affair. He told me definitely, and he is a responsible person whose veracity I cannot question, that a down train was passing at the time when the people were dying and shrieking for help. The driver of this train was asked to stop, but he stopped only for about five minutes and then his engine steamed off. What was the cause of this hurry? It has got to be investigated. Why was he so negligent? Why was he so callous? All these things will have to be found out.

Lastly, the question of compensation will have to be carefully considered. So many people have died and so many others have been maimed. Their near relatives will have to be properly compensated. The whole thing requires investigation by an impartial judicial Tribunal and not by a hole-and-corner committee whose business would be to shelve the problem and not to solve it. On these grounds, I support the motion.

The Honourable Sir Thomas Stewart: Sir, despite the strictures that have been passed on me by the gentleman who is no longer in his place, I should like to offer on behalf of myself and of the Government of India and of the Railway Board the most sincere sympathy for those who have suffered from this tragedy. Believe me, I am speaking in all sincerity. I may have been at fault that I did not go at once to the scene of tragedy. Had I had as good a conceit of myself as the Honourable Member who has now returned to his place, I have no doubt I would have gone; but thinking it over dispassionately I cannot imagine that at a space of time that would have intervened before I got there, there was anything I could possibly have done. But if it is the view of this House that I was at fault, I bow to the decision.

In the course of the 15 minutes that are allowed to me, it is impossible for me to indulge in any kind of narrative. It was for that reason that I had printed up the report of the Senior Government Inspector and had it placed in the hands of all Honourable Members. I had a hope that by doing so, not only would I save time but it would enable the debate to be related a little more to facts and that it should not wander along the course of many of the more irresponsible theories that have appeared in the press and elsewhere. I am afraid my endeavour has not been successful and I think I must make a reference to a few of the theories that have been advanced outside this House and inside it.

First of all, there is the suggestion that the railways have concocted this idea of sabotage in order to conceal their own delinquencies and their own faults. Now, that involves a rather serious suggestion and that is that the Senior Government Inspector, who has made this report, has been suborned by the railway and that he has become a tool in their hands. I ask you to remember who this Senior Government Inspector is. He is

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Mr. Joscelyne whose report was directly at variance with the views of the Railway Administration in the case of the Bihta report. Now, what are the arguments for and against sabotage? I have put in the hands of Honourable Members a reasoned statement giving facts and diagrams and logical deductions therefrom. These would lead any reasonable man to the conclusion that there could be nothing else but sabotage. Against that, what have we had on the floor of the House? Mr. Mohan Lal Saksena said—and I forgive him because he is a layman—that he could not understand how the railway engine could traverse that gap. I think that he forgot half the facts which were put before him. The engine was travelling at the speed of 55 miles an hour and it would have taken practically half a second to cross the gap of 33 feet. On the one side, it had the help of an undisturbed rail and on the other side were the bosses on the plates which it was striking at intervals of roughly a thirtieth part of a second. There is no reason in the world why that engine could not have safely traversed that gap. It is a different thing when we come to the tender and the carriages when the engine had destroyed the supports of one side. I defy him to prove that this was an impossibility.

An Honourable Member: When did the sabotage occur?

The Honourable Sir Thomas Stewart: I wonder if the Honourable Member will let me go on. Is corroborative evidence wanted? It is a very curious thing that on four occasions in the past seven or eight months there have been accidents in or about Bihar in which the evidence was strongly suggestive of sabotage. There was the case at Madhupur where two men were killed. There was a later case at Badhaura where two people were killed. There is this tragedy at Hazaribagh with much more serious results and it was only the other day that by accident a more serious attempt was discovered which might have resulted in something that would have been worse than Bihta. Where do these accidents happen? Anywhere on the track? No. They always happen on a high embankment with a convenient culvert. The technique is the same and mostly it happens at night.

Now, let me come to the question of what happened when the accident occurred. The suggestion has been made in the House that railway servants set fire to the wreckage in order to conceal what really had happened. I trust that the Honourable Member who made that suggestion was only repeating some gossip he had heard. It is a most scandalous suggestion and it is capable of the easiest disproof. It was said that fire broke out within ten minutes of the accident. The driver had gone away miles to report, the guard was lying injured in his compartment, one fireman had gone to put out the fog signals and there was one solitary fireman, who, it is suggested, took it upon himself to conceal the sins of his administration by setting fire to the train! The suggestion is scandalous. Another suggestion was made that the dead bodies of the killed were not handed over to their relatives. That is not part of the duty of the railway administration at all. In accordance with rule the railway administration handed over the killed to the civil authorities and if there was any refusal to deliver those dead bodies to their relatives, it rests not with us.

Again it was said, and this has been suggested as a tremendous crime, that Congress workers were not allowed to assist in the work of rescuing the wounded. From the information that I have at my disposal, it appears that the Congress workers arrived at 11 o'clock in the morning, the accident having taken place at 8 o'clock in the morning. All work of rescue that could be carried out had already been carried out.

Mr. Mohan Lal Saksena: What about the fire?

The Honourable Sir Thomas Stewart: I shall come to the question of fire presently. What actually did happen was that when responsible members of the Congress came along, they were taken by the District Magistrate and introduced to the railway authorities present and they were shown everything that they wanted to see. This was after 11 o'clock.

An Honourable Member: Why did you not allow our volunteers to help?

The Honourable Sir Thomas Stewart: There was no one to help. Now, I come to the fire.

Mr. M. S. Aney (Berar: Non-Muhammadan): Now the fire has come here to you.

The Honourable Sir Thomas Stewart: If the Honourable Member feels in the same way as I do, he will understand my fire.

The suggestion is that fire occurred because somebody was smoking. That was never suggested by any representative of the railways. There are two possible theories; one is that there was a short circuit on the electric apparatus. That is not very likely. What is much more likely is that passengers, having scrambled out of their carriages, were looking for their goods—I have every sympathy with them in doing so—and, that they lit matches and in this way set fire to the grass which, as anybody who has passed through that part of the country must know, is as dry as tinder. That is the possibility: I am not putting it forward as a cast iron theory that cannot be refuted. As regards the kerosene oil tins, these were not being carried by the railway. Most of you are aware that third class passengers do carry in their carriages kerosene oil and it is impossible for the railway administration in every case to detect that fact.

Then there was a suggestion that something less than humanity was shown by the crew of the train that passed soon after. This was the first train that came along. It was stopped by the fog signal and was boarded by the fireman of the wrecked train. It came along and stopped near the wreckage. The guard and the engine driver, both of them Indians, considered what they should do. Very wisely they decided to go to the next station and report and this is what they did. They were only two men. There were I suppose the best part of 250 uninjured people in the wrecked train or who had got out of it. What on earth could these two men—the driver and the guard who have been so much blackguarded—have done?

An Honourable Member: The passengers could have done a lot.

The Honourable Sir Thomas Stewart: What did the passengers in the wrecked train do? What the men actually did was to go and report and get help at the earliest possible moment. That is what any sensible man

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would have done, despite the suggestion of the Honourable Member to the contrary.

An Honourable Member: Or conveyed the injured passengers from the wrecked train.

The Honourable Sir Thomas Stewart: I do not know whether the Honourable Member is a medical doctor or not. If he were he would probably realise that to pick up seriously injured persons without ascertaining the nature of the injuries and to dump them into a third class carriage is as good as murdering them.

I now turn to the demand for a Committee of Enquiry. As I indicated this morning in answer to a supplementary question from my Honourable friend, Mr. Satyamurti, I was not prepared to admit that in every case of accident one must enter upon a judicial enquiry. If we have our own agency for investigating the causes of accident, if we are satisfied that that agency is impartial and if the report of that agency shows beyond any shadow of doubt what has been the cause of the accident, then I say that there is no need for a judicial enquiry or for any sort of public enquiry at all. If this were an isolated incident, I would resist the demand for a public enquiry. But this is not an isolated incident. As I have said, this is one of a series of four incidents in which there is the very strongest evidence that attempts have been made to wreck trains. This is a matter that has caused to the Government of India the greatest perturbation. They realise, too, that in the mind of the travelling public there must be the greatest apprehension and for that reason the Government have decided to set up a judicial Tribunal which will investigate the circumstances attending these incidents to which I have referred. The composition of that Tribunal and its terms of reference are now under our consideration.

I commenced my speech with an expression of sympathy and I want to finish on the same note; and I am the more eager to do so because of a rather—I do not know how to describe it—a rather pitiful suggestion that was made that one of the causes of the accident was that the engine driver was drunk.

Dr. P. N. Banerjee: It was said possibly drunk.

The Honourable Sir James Grigg (Finance Member): You say it outside.

The Honourable Sir Thomas Stewart: I, therefore, want to extend my sympathy to our railway servants who with loyalty and courage set out upon their daily work not knowing what is going to happen to them; they have lost their lives as well as others.

Mr. N. M. Joshi (Nominated Non-Official): Sir, that there should be six serious accidents within a period of eighteen months, at short intervals,

should be enough to shake off the lethargic indifference of any one, even of the Government of India. I feel, Sir, that the charge of callousness which is brought forward by my Honourable friend, Sir Abdul Halim Ghuznavi, against the Government of India, is to some extent justified. I, therefore, support the demand which has been conceded by the Government of India that there should be a judicial inquiry into all these accidents. Sir, I am glad that the Government of India propose to make an inquiry into all these accidents, but I feel that the inquiry should be much wider than that. I had made that suggestion when I spoke on a former occasion, during the discussion on the report of the committee of inquiry into the Bihta accident. I suggested that there should be not only an inquiry into the particular accidents but there should be an inquiry into the question whether the legal obligations thrown upon the Government of India by the Indian Railways Act for maintaining the safety of the passengers and of the railway servants are enough. These accidents take place for various reasons. One accident took place on account of XB engines; another accident may have taken place on account of faulty rails, a third accident may be due to defective signalling, a fourth may be due to lack of fencing, a fifth may be due to overworked engine drivers or guards or station masters. There may be hundred causes of accidents that take place on the railways. If we merely go into the causes of the few accidents or the large number of accidents that have taken place during this short period we shall not exhaust all the causes of the accidents which take place on Indian railways. I have, therefore, suggested that the loss of life which has taken place during these accidents should be enough to induce any one to go into the whole question of accidents that take place on Indian railways.

The first and foremost thing to be found out is whether the legal obligation thrown upon the Government of India for the safety of passengers and of railway servants are enough. We must see whether some additional responsibility cannot be thrown on the Government of India. Besides that we have also to find out whether the machinery which we are using for the enforcement of the legal obligations upon the Government of India is an independent machinery. Sir, the Honourable the Railway Member just now told us that the Senior Inspector is not a tool of the Government of India. Sir, I do not know that individual at all. It may be that he is a tool or he is not a tool. But for several years I have been suggesting to the Government of India and to the Legislature that the one thing which the Government of India must do and the one thing upon which the Legislature must insist is the independent position of the safety inspector on Indian railways. The new constitution has provided that the safety inspector shall be independent of the Statutory Railway Board. But the Government of India feel that their prestige is lost; they do not care for the loss of life but they care more for prestige. They feel that their prestige is lost if the safety inspector is made independent of their authority. Sir, I have been speaking about it year after year and insisting that the inspector must be made independent. Let the inspector not be at least under the Railway Board and the Railway Department; let him be under any other department of the Government of India. Let not the inspector also have the inducement dangled before his eyes of being made a member of the Railway Board or of having promotion in the railway service. Sir, the Government of India do not pay attention to this, although they know that even the committee that considered the question

[Mr. N. M. Joshi.]

of the statutory Railway Board approved of this suggestion that the safety inspector must be independent of the railway administration. Unfortunately, the loss of life that has taken place is not enough to induce the Government of India to bring about these reforms. I, therefore, feel that the Legislature should insist that there should be a thorough inquiry into the question whether the legal obligations placed upon the Government of India as regards the safety of the public on Indian railways are fully safeguarded. Let the whole Railway Act be searched, let all the provisions which are necessary for maintaining safety on Indian railways be thoroughly examined and let the Government of India by means of a committee get this question examined.

Sir, I am quite sure that some ways may be found by which accidents may be averted. I am not suggesting that accidents even then will be averted, but certainly they will be minimised. I hope the Legislature will insist that the safety inspector will be made independent of the Government of India. I am not saying a word against the present safety inspector, but we do not know whether he is thoroughly independent. We know for a fact that he is under the Railway Board and if human nature is taken into consideration it is quite possible that his report may not be independent. He may not have the courage,—it is not his fault,—to make radical suggestions to the Government of India because his promotion may be barred, who knows? Therefore, it is wrong to make the safety inspector subordinate to the Railway Board and the railway authority. I hope these accidents will convince the Government of India of the necessity of examining the whole question and of making the safety inspector independent of their own authority.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I am surprised at the cheering which the Official Benches gave to the Honourable the Railway Member when he sat down after making his speech this afternoon. It shows only that the Government officials and their supporters are absolutely callous to the miseries and murders and deaths that have occurred in such disastrous affairs on the East Indian Railway. We Indians, Sir, ought to know to some extent what our moral duties are if our European friends and our friends on the Official Benches do not care for such occurrences as have happened at Bihta or Hazaribagh. The occasion was too sad for any official cheers and I would ask our Honourable friends on that side to take a serious point of view and although they have not themselves suffered, they might look at it from the Indian point of view and extend their sympathies to the sufferers who have died or have been injured. It is a matter of great regret if such speeches are greeted with cheers here. Sir, the Honourable Sir Thomas Stewart said that there may be different causes. I agree with him there. We are also thankful to him for agreeing to a judicial inquiry. That shows that he at least has some sympathy for the views of the Indian public on this question. It is all right to say that there has been sabotage. But I will put some facts before the House. The first is that a train passed that way only ten minutes ahead and it is a fact which has been admitted by the Senior Inspector. If such were the case, is it possible that within those ten minutes this sabotage could have happened? I submit not. If the matter were before a judicial tribunal it would be

impossible for any one to prove that during that short space of time it was possible for any one to indulge in this kind of sabotage unless there is some connection with the railway people. At the same time the Senior Inspector has also said that tampering with the track takes up to 30 minutes or more; and if one train had passed ten minutes before, is it possible to break up the track in the interval? I submit it is impossible. Thirdly, it is alleged that unskilled labour could have perpetrated this crime within this interval of ten or fifteen minutes. Does that stand to reason? I say that unskilled labour could not have caused such a sabotage and disaster

The Honourable Sir Thomas Stewart: May I remove what, I think is a misapprehension? The train that passed ten minutes before did not pass on the line that was wrecked. It is a double line.

Mr. Muhammad Azhar Ali: Even granting that the train did not pass on that line, still it stands to reason that the sabotage could be seen—it was in the early hours of the morning

The Honourable Sir Thomas Stewart: It was three o'clock in the morning.

Mr. Muhammad Azhar Ali: Still there are search lights on the engine, and with the help of these huge searchlights could not this be seen by the engine driver? If not, then the only theory that can be set up in defence would be that the driver was drunk or some such thing had happened to him. Even then you cannot say that the public was responsible for such disasters. If the railway authorities put the whole blame on the public of India, that they are the murderers of their own people, I submit it is a strange theory that has never before been advanced in any country or even by any sympathetic official. I submit it is a very serious charge to bring against a whole country. If this side of the House charges one or two railway officials, then our friends on the other side would say: "We are not callous." But does it stand to reason that the whole of the Indian public that resides on the East Indian Railway line can be charged with the murder of their own countrymen? I submit, it is a very far-fetched theory which cannot stand water.

Then, I come to the burning of the carriages. Can this theory hold water, that some passenger was carrying a kerosene tin? Can one kerosene tin burn down all these three carriages? That also requires very searching inquiry on the part of the railway authorities. These accidents that have happened on the East Indian Railway may or may not be due to sabotage or to the official delinquency in their duties. But I submit in that case the railway officials ought not to defend themselves and their own people with such vehemence. I think the first duty of every Indian and every European official today in this House should be to take this adjournment motion with calmness and quiet and they should have said: "It is our moral duty to inquire into these affairs." That is not the view with which my friends on the other side have come and have cheered. With these words I support the motion.

Honourable Members: The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim): The question is :
"That the question be now put."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :
"That the Assembly do now adjourn"

The motion was adopted.

• The Assembly then adjourned till Eleven of the Clock on Saturday, the 4th February, 1939.

LEGISLATIVE ASSEMBLY.

Saturday, 4th February, 1939.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

Mr. T. S. Avinashilingam Chettiar: Questions Nos. 34 and 36 refer to the same subject, and so I would like to put them together.

INAUGURATION OF FEDERATION.

34. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Leader of the House state:

- (a) whether Government have received replies from any of the Princes signifying their assent to the Instrument of Accession sent to them as referred to in the Governor General's speech in Calcutta;
- (b) if so, from how many; and
- (c) when they expect the inauguration of Federation?

The Honourable Sir Nripendra Sircar: (a) No, Sir.

(b) Does not arise.

(c) I am unable to give a precise date. The early achievement of Federation remains the considered policy both of His Majesty's Government and of the Government of India.

INAUGURATION OF FEDERATION.

36. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Leader of the House state:

- (a) at what stage the negotiations with the Princes with regard to Federation are;
- (b) whether any of the Princes have signified their assent;
- (c) if so, how many of them; and
- (d) when Government propose to inaugurate Federation?

The Honourable Sir Nripendra Sircar: The attention of the Honourable Member is invited to the reply which I have just given to his starred question No. 34, to which I have nothing to add.

Mr. S. Satyamurti: With reference to the answer to clause (a) of the question, may I know, Sir, whether "No" refers to both parts of the question, that is to say, that the Instruments of Accession have not been sent to the Princes, and the Princes have not signified their assent?

The Honourable Sir Nripendra Sircar: I answered the first part by saying No.

Mr. S. Satyamurti: May I know whether these Instruments of Accession have now been sent to the Princes?

The Honourable Sir Nripendra Sircar: That was published in the papers.

Mr. S. Satyamurti: I want to know whether the information published in the papers is correct information or not.

The Honourable Sir Nripendra Sircar: The only portion which I admit to be correct is they have been sent to the Princes.

Mr. Manu Subedar: May I know, Sir, to how many States have these Instruments of Accession been sent?

The Honourable Sir Nripendra Sircar: I cannot say that.

Mr. S. Satyamurti: Have they been sent to all Princes, or only to some select Princes?

The Honourable Sir Nripendra Sircar: I am unable to answer that without notice. If notice is given I shall then consider "Public interest".

Mr. S. Satyamurti: I want to know whether they have been sent to all the princes.

The Honourable Sir Nripendra Sircar: I am unable to answer it without a little more time, and I cannot say whether I shall answer it.

Mr. S. Satyamurti: May I know, Sir, whether these Instruments of Accession have been sent along with any covering letters to the Princes or they have been merely sent to them without any covering letters?

The Honourable Sir Nripendra Sircar: I am not prepared to make any statement on it.

Mr. S. Satyamurti: With regard to the question about the inauguration of Federation in clause (c) of question No. 34, my friend said that the early inauguration of Federation still remains the policy of His Majesty's Government and of the Government of India. May I know, Sir, whether Government, with a view to carrying out that policy, have any programme in their minds to interpret the words "early inauguration", and, if so, how soon will this programme be carried out?

The Honourable Sir Nripendra Sircar: I have repeatedly said I am unable to explain the programme; but surely Government have a programme.

Mr. Lalchand Navalrai: May I know if these Instruments of Accession are treated as confidential papers and have been confidentially sent to the princes?

The Honourable Sir Nripendra Sircar: They are supposed to be confidential and that assured their publication in the papers.

Mr. T. S. Avinashilingam Chettiar: While forwarding these Instruments of Accession, may I know whether the Government of India have set any time limit within which the Princes should reply.

The Honourable Sir Nripendra Sircar: I am unable to give an answer to it.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, if the Princes have been given any directions as to the attitude of the Government of India in case some of the States do not accept these Instruments of Accession?

The Honourable Sir Nripendra Sircar: I give the same answer.

NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT.

35. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Commerce Member state:

- (a) at what stage the Indo-British Trade negotiations are;
- (b) whether any agreement has been reached between the two Governments; and
- (c) whether they expect to place before the House before the end of this Session the results of the negotiations?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). Government are not in a position to say whether, and if so when, a new trade agreement between India and the United Kingdom is likely to be concluded, but it is hoped, however, that the negotiations may be brought to a conclusion at no very distant date.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, whether the Government expect to place the matter before the House before the end of this month?

The Honourable Sir Muhammad Zafrullah Khan: I cannot say, but the draft agreement will be placed before the House as early as possible.

Mr. S. Satyamurti: In view of the earlier answer given by my Honourable friend to the effect that Government have made up their minds that, whatever may happen, the Ottawa Agreement will not be continued till the end of this Budget Session, may I know whether Government are in a position now to say that they will be able to place the draft agreement before this House before the end of this Session?

The Honourable Sir Muhammad Zafrullah Khan: They are hoping to be able to do so.

Mr. Manu Subedar: May I know, Sir, whether in any case the reports of the non-officials will be made available to Members of this House?

The Honourable Sir Muhammad Zafrullah Khan: I cannot say in any case, but if a draft agreement is placed before the House, then such relevant material as might be useful to Honourable Members will be made available to them.

Mr. Manu Subedar: May I know, Sir, whether adequate time will be allowed to Honourable Members to study all these Reports, and that the discussion on those Reports will not be fixed immediately after the papers have been made available to Honourable Members?

The Honourable Sir Muhammad Zafrullah Khan: Government will make an effort to allow as much time as possible to enable Honourable Members to study the draft agreement.

Mr. S. Satyamurti: In view of the fact, Sir, that opinion in England is sought to be influenced by publication of various reports and suggestions by the Lancashire cotton interests, will the Government of India consider, with a view to educating public opinion in this country, the desirability of publishing, before Government make up their minds finally with regard to any agreement to take the place of the Ottawa, the Report of the non-official Advisers, so that India's point of view also may be kept prominently before the public eye?

The Honourable Sir Muhammad Zafrullah Khan: Before Government finally make up their minds, they propose to bring the matter before the Legislature, and then of course there will be publication of all material placed before the Legislature.

Mr. Manu Subedar: May I know, if the Honourable Member has seen a threat that if certain favourable terms are not granted to the textile industry in the United Kingdom, the United Kingdom will boycott the purchase of Indian cotton?

The Honourable Sir Muhammad Zafrullah Khan: There is a question down to that effect.

CONTRACTS MADE FOR FOREIGN WHEAT AND FLOUR.

†37. *Sardar Mangal Singh: Will the Honourable the Commerce Member please state:

- (a) the amount of foreign wheat and flour for which contracts were made with the foreign importers at the time the duty was imposed;
- (b) the amount of wheat and flour that were actually landed in India after the duty was reimposed in December last; and

†Answer to this question laid on the table, the questioner being absent.

- (c) the amount of wheat and flour that was diverted to other places on account of the imposition of duty?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have no exact information, but, in December last, it was estimated that forward contracts amounted to 1,25,000 tons approximately.

(b) From the 8th December to the last week of January, 35,300 tons of wheat and about ten tons of wheat flour were imported into India.

(c) Information is not available.

TALKS WITH ITALY FOR A TRADE AGREEMENT.

|38. *Sardar Mangal Singh: Will the Honourable the Commerce Member please state:

- (a) whether talks with Italy have begun for the conclusion of a trade pact with that country;
- (b) whether the talks are being carried on by the Government of India direct, or through His Majesty's Government in the United Kingdom;
- (c) when they are likely to be finished; and
- (d) whether this House would be consulted before the final decision is arrived at in this matter?

The Honourable Sir Muhammad Zafrullah Khan: (a) No, Sir.

(b), (c) and (d). Do not arise.

LEGISLATION FOR THE CONTROL OF THE IMPORT AND MANUFACTURE OF DRUGS.

|39. *Sardar Mangal Singh: Will the Secretary for Education, Health and Lands please state:

- (a) whether a Bill for the control of the import and manufacture of drugs will be brought forward during this Session; and
- (b) when the motion for introduction of the Bill is likely to be made in this House?

Sir Girja Shankar Bajpai: (a) and (b). As the Bill would regulate matters enumerated in the Provincial Legislative List, the Provincial Governments were asked on the 6th July, 1938, to have the resolution required under section 103 of the Government of India Act, 1935, passed by Provincial Legislatures, authorising the Central Legislature to legislate *inter alia* for the manufacture, storage and sale, etc., of drugs and medicines for the whole of British India. The Bill will be introduced as soon as possible.

OFFICIAL DEPUTATION FROM MALAYA.

40. *Mr. Abdul Qaiyum: Will the Secretary for Education, Health and Lands please state:

- (a) whether an official deputation from the Malayan Government has either visited, or is about to visit, India;

- (b) whether any talks have taken place, or are proposed to take place between it and the Government of India;
- (c) whether the Central Indian Association of Malaya has sent its own deputation to the Government of India;
- (d) the facilities given to the non-official deputation to put forward the Indian case; and
- (e) the decisions arrived at, if any, and, if so, the nature thereof?

Sir Girja Shankar Bajpai: (a), (b) and (e). The Malayan Delegation which is now here has held discussions with the Government of India from the 30th January onwards; no decisions have yet been reached.

(c) and (d). The deputation sent by the Central Indian Association of Malaya is also here and is being given facilities to place its case before Government.

Mr. Abdul Qaiyum: May I know, Sir, if the Madras Government is being associated with these conversations?

Sir Girja Shankar Bajpai: Yes, Sir; not only through prior consultation, but through the presence throughout these discussions of the Labour Commissioner in Madras.

Mr. Abdul Qaiyum: In view of the statement issued by the non-official delegation, is it a fact that the Indian labourers in Malaya have to work for as much as 63 hours a week?

Sir Girja Shankar Bajpai: I should like to have notice; I could not say that off hand.

Mr. Abdul Qaiyum: May I know, Sir, if the right of association and collective bargaining is denied to Indian labourers in Malaya?

Sir Girja Shankar Bajpai: There is no provision in law in Malaya which in any way prevents the right of association; it may be exercised by any labourer.

Mr. Abdul Qaiyum: May I know, Sir, whether there are any trade unions or trade associations in existence in Malaya as far as the Indian labourers are concerned?

Sir Girja Shankar Bajpai: I submit that is a question relating to the contents of the representation submitted by the Malayan deputation; it does not arise out of the question I have answered.

Mr. Abdul Qaiyum: Is it a fact that even ordinary rights of citizenship are denied to Indian labourers in Malaya; there is discrimination made in the matter of public services, political rights, and representation in local bodies?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to have put down a question like that.

Mr. Abdul Qaiyum: It refers to the grievances of Indian labourers, that is my last supplementary question, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot raise all sorts of points in one question.

Mr. Abdul Qaiyum: My question is, when do Government expect to come to a decision on the representation made by the non-official delegation?

Sir Girja Shankar Bajpai: All that I can tell my friend is that in our discussions with the Malayan delegation, the representation made by the Indian deputation from Malaya will be taken fully into account.

Mr. S. Satyamurti: May I know, Sir, whether Government propose to bring about a meeting between the Standing Emigration Committee of this House and the Malayan Delegation with a view to discuss the outstanding questions, and if so, when?

Sir Girja Shankar Bajpai: It is the intention to bring the Malayan delegation into touch with the Standing Emigration Committee provided that our discussions with the delegation indicate that such a meeting will be useful.

Mr. S. Satyamurti: May I know, whether on the question of wages, which is perhaps the most important and urgent question, the Government of India have ascertained the opinion of the Government of Madras, and may I know what is the stand—if my Honourable friend can say it to the House,—I won't press him to do so, if it will make things more difficult,—they propose to take, and whether they have come to any decision with regard to the minimum wages they should insist for Indian labourers?

Sir Girja Shankar Bajpai: My friend will appreciate that it is not possible while the negotiations are in progress to indicate in detail the line we are taking but what I can tell him is that the stand we have taken is in full consonance with the views and wishes of the Madras Government.

STATISTICS OF MIDDLE CLASS UNEMPLOYMENT.

41. *Mr. Brojendra Narayan Chaudhury: Will the Honourable Member for Labour please state:

- (a) whether the Central Government have been, or are in communication with Provincial Governments and other public bodies regarding the collection of statistics of middle class unemployment, and whether, as a result of the communications, the Central Government have decided to take any step for collection of statistics, or to take any other measure towards the solution of the unemployment question; and
- (b) whether the Central Government suggested any measure to sort out for State employment, students at an early age of their academic course; if so, how the suggestion has been received, and the final decision of the Government?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes. With regard to the collection of statistics by educational institutions, all Provincial Governments, except Madras and the Punjab, have issued instructions

to the institutions concerned, and the Bureau of Education have decided to co-ordinate them in due course. With regard to statistics of middle class employment in industry, the Legislatures of all Provincial Governments, except Madras and Bengal, have passed resolutions empowering the Central Government to undertake the necessary legislation. Madras have decided not to co-operate in the scheme, while Bengal have not given their final answer. With regard to other measures, I would refer the Honourable Member to the answer I gave to Mr. K. S. Gupta's starred question No. 1640 on 30th November, 1938.

(b) Yes. The suggestion has generally not been well received. The Central Government are awaiting replies from the Governments of Bengal and Bombay before taking any decision.

Mr. Lalchand Navalrai: May I know if there was any communication with the Sind Government, and if so, if there was a reply from them?

The Honourable Sir Muhammad Zafrullah Khan: Whenever the provinces are addressed the Sind Government is not excluded.

Mr. T. S. Avinashilingam Chettiar: If I heard the Honourable Member aright, he said that Madras has decided not to co-operate in this matter. May I know whether the Madras Government have given any reasons for that?

The Honourable Sir Muhammad Zafrullah Khan: I would require notice of that.

Mr. Brojendra Narayan Chaudhury: Is any legislation in order to take power for the collection of statistics of middle class unemployment, under contemplation by the Central Government?

The Honourable Sir Muhammad Zafrullah Khan: Obviously no decision can be taken till the views of all Provincial Governments are received.

Babu Kailash Behari Lal: May I know if the Bihar Government have addressed the Government of India regarding giving effect to the recommendations made in the Bihar Unemployment Committee's Report?

The Honourable Sir Muhammad Zafrullah Khan: I cannot disclose the contents of their communication.

Mr. Mohan Lal Saksena: What is the reason of the Government of Bengal not replying to the Government of India?

The Honourable Sir Muhammad Zafrullah Khan: I cannot say.

Mr. Mohan Lal Saksena: How long have they taken.

The Honourable Sir Muhammad Zafrullah Khan: I have not got the dates here.

Mr. Brojendra Narayan Chaudhury: What is the answer to the latter part of part (a) of my question—namely, whether the Government have decided to take any other measures towards the solution of the unemployment question?

The Honourable Sir Muhammad Zafrullah Khan: I have stated that communications have been received from certain Provincial Governments and what action is being taken with regard to the rest. We must await the replies of the other Provincial Governments.

Mr. Brojendra Narayan Chaudhury: May I know what are the further measures which are the subject of the communication?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I cannot add anything to what I have already stated.

Mr. Abdul Qaiyum: May I know whether Government will consider the desirability of absorbing these unemployed young men in the army in place of the aliens who are now there? There are thousands of them in our army.

The Honourable Sir Muhammad Zafrullah Khan: That is a question to be addressed to the Defence Secretary.

Mr. Mohan Lal Saksena: Has any reminder been sent to the Bengal Government in order to expedite reply?

The Honourable Sir Muhammad Zafrullah Khan: I cannot say. I have not got all the papers here.

CLOSURE OF THE CALCUTTA BOOK DEPOT.

42. *Mr. Brojendra Narayan Chaudhury: Will the Honourable Member for Labour please state what action has been taken upon the representation sent by the Indian Chamber of Commerce, urging the inconvenience that will be caused by the closure of the Calcutta Book Depot, and the economy, if any, the closure is calculated to effect?

The Honourable Sir Muhammad Zafrullah Khan: The representation of the Indian Chamber of Commerce is receiving consideration. I am not at present in a position to give an estimate of the economy that will be effected if the Depot is closed down.

INDIAN AGENT IN BURMA.

43. *Mr. Brojendra Narayan Chaudhury: Will the Secretary for Education, Health and Lands please state:

(a) whether there is at present in Burma any Agent of the Government of India to look after the interests of Indians in Burma; and

(b) whether the said Agent has taken steps to look after the trial going on in the Magistrate's court of Rangoon for the murder of Ghulam Rosul, an Indian; and if so, what steps?

Sir Girja Shankar Bajpai: (a) Yes.

(b) The incident was unconnected with the riots and the Agent has not been instructed to watch specially the judicial proceedings to which it has given rise.

Mr. Brojendra Narayan Chaudhury: Is the Honourable Member aware that the case has recently been disposed of and that two out of the three accused have been sentenced to an imprisonment of six months only. Is the Honourable Member satisfied that in this trial the prosecution was conducted with full vigour and efficiency?

Sir Girja Shankar Bajpai: I have seen a press report to the effect mentioned by the Honourable Member. We are asking the Agent for official information, and, if necessary, the matter will be taken up by the Government of India.

Dr. Sir Ziauddin Ahmad: Did the Agent or the Government of India make any protest to the Burma Government about their attitude and the occurrence of all these troubles?

Sir Girja Shankar Bajpai: This particular question, as I have already stated, relates to an alleged assault by two European soldiers on an Indian. It does not relate to the general question of rioting in Burma.

Dr. Sir Ziauddin Ahmad: In this particular case did they make any protest?

Sir Girja Shankar Bajpai: I have asked from the Agent for official confirmation of the information which has been given by the Honourable Member to the House now, and on receipt of that information we shall certainly consider whether a protest to the Burma Government is needed.

Dr. Sir Ziauddin Ahmad: Does the Honourable Member mean that the Agent does not report of his own accord, and that he wants some sort of an initiative from the Government of India to report? What is the Agent for?

Sir Girja Shankar Bajpai: The Agent, as my Honourable friend will realise, is primarily concerned with the difficult and tense situation which exists throughout Burma at the present moment.

DUMPING OF BURMA RICE AT UNECONOMIC PRICES IN BENGAL.

44. *Mr. Brojendra Narayan Chaudhury: Will the Honourable Member for Commerce please state:

- (a) whether he has received any representation from the Bengal National Chamber of Commerce, or any other party, asking for notice to be given not later than 31st March, 1938, for the termination of the "India Burma Trade Regulation Order of 1937" with a view to reopening negotiations for a substituted agreement under which Burma rice will not be allowed to be dumped into Calcutta and other Indian ports in unlimited quantities and at prices unremunerative to the cultivators of rice in India, by speculative merchants in Burma;
- (b) if so, whether the representation has been considered, and the decisions arrived at;
- (c) whether the facts stated in the representation that the production of rice in Bengal is short of the quantity required for consumption in Bengal by medical standards, and that the net quantity available for consumption in Bengal after accounting for imports and exports is still below the requirements of the population by medical standard, are correct; and
- (d) the upward or downward trend of price of rice in the Calcutta market and in *muffasil* markets for the last five years?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Yes, Sir. The Government of India have under examination the practical working of the India and Burma (Trade Regulation) Order in all its aspects and

will in connection with that examination give the fullest consideration to the matters raised in the Chamber's representation.

(c) The representation contains no statements to this effect.

(d) I lay on the table a statement showing the wholesale prices of rice at Calcutta for a series of years. Prices for mufasil markets are not available.

Wholesale Prices of Rice at Calcutta.

(at the end of each month).

Period.	Calcutta.		Ballam No. 1.	
	(per Bazar Md. of 82-2-15 lbs.).			
	1934-35.		1935-36.	
	Rs.	A. P.	Rs.	A. P.
April	3	9 0	3	10 0
May	3	13 0	3	12 0
June	3	13 0	3	12 0
July	3	13 0	3	12 0
August	3	14 0	3	10 0
September	3	14 0	3	7 0
October	3	11 0	3	12 0
November	3	11 0	3	10 0
December	3	9 0	3	8 0
January	3	6 0	4	0 0
February	3	9 0	3	12 0
March	3	8 0	3	12 0
Average	= 3 10 10		3 10 13	

Price per maund.

1938-39.

1937-38.

Serai—

- (a) Throughout October 4-3-6 4-2-6 to 4-3-0.
 (b) November Dropped to 3-15-0. Rose to 4-6-0 4-4-0 to 4-2-0.
 (c) December Steady 4-6-0 4-2-0 to 3-10-0.
 (d) January 4-6-0, 3-13-0, 3-14-0, 3-14-0 3-12-0 to 3-10-0.

Patnahi Boiled—

- (a) Steady 3-13-0 3-10-0 steady.
 (b) Dropped to 3-11-0 Rose to 3-15-6 3-8-0 rose to 3-11-0.
 (c) 3-15-0 rose to 4-2-0 3-11-0 to 3-6-6.
 (d) 4-2-0, 3-10-0, 3-10-0, 3-10-0 3-6-6, 3-7-0, 3-7-0, 3-7-0.

Ballam—

- (a) Steady 4-1-0 4-1-0.
 (b) 4-0-0, 3-8-0, 4-4-0, 4-4-0 4-2-0 to 4-0-0.
 (c) 4-0-0, 4-4-0, 4-4-0, 4-4-0 3-8-0 steady.
 (d) 4-4-0, 3-11-0, 3-12-0, 3-12-0 3-8-0, 3-5-0, 3-5-0, 3-5-0.

Nagra—

- (a) 3-2-0 3-2-0 to 3-3-0.
 (b) 3-2-0 to 4-1-0 3-2-0.
 (c) 3-14-0 to 4-2-0, 4-0-0 3-2-6 to 3-4-0.
 (d) 4-2-0, 3-8-0, 3-9-0, 3-9-0 3-3-0 to 2-15-0.

Burma small Mill—

- (a) 3-2-0 steady 3-2-0 to 3-3-0.
 (b) 3-2-0, 2-15-0 3-2-0.
 (c) Not quoted 3-2-6 to 3-4-0.
 (d) 23rd January 2-10-0 2-15-0.

Wholesale prices of Rice at Calcutta.
(at the end of each month).

Calcutta, Ballam No. 1.

Period.	(per Bazar Md. of 82-2-15 lbs.).								
	1936-37.			1937-38.			1938-39.		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
April	4	0	0	3	14	0	3	14	0
May	4	2	0	4	0	0	4	0	0
June	4	2	0	4	3	0	4	0	0
July	4	2	0	4	0	0	4	0	0
August	4	2	0	4	0	0	4	4	0
September	4	4	0	4	0	0	4	4	0
October	4	8	0	4	2	0	4	4	0
November	4	3	0	4	0	0	4	2	0
December	4	3	0	4	2	0	4	0	0
January	3	12	0	3	14	0			
February	3	12	0	3	12	0			
March	3	13	0	3	11	0			
Average	4	1	3	3	15	6	4	1	4
(April-March).							(April to December.)		

Mr. Brojendra Narayan Chaudhury: Have the Government of India any knowledge that, though the production of rice in Bengal is not sufficient for the requirements of its population, still a certain quantity is exported and export is greater than the import?

The Honourable Sir Muhammad Zafrullah Khan: I think there is a question down to that effect.

Mr. T. S. Avinashilingam Chettiar: May I know the earliest point of time at which notice of termination of this agreement can be given?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I cannot give the exact date.

Mr. Manu Subedar: May I know whether representations have been received by Government with regard to excessive imports of rice and paddy into India which are at present depressing the prices both of rice and paddy in India at the principal ports?

The Honourable Sir Muhammad Zafrullah Khan: Representations with regard to imports of rice and paddy have been received, but from the statement that I have laid on the table it would appear that the average price is not lower than last year.

Mr. S. Satyamurti: May I know whether, in deciding the question of giving notice to Burma of the termination of this Indo-Burma Trade Regulation Order of 1937, Government will also take into consideration the present precarious position of Indians in Burma and have it settled satisfactorily, before we conclude a fresh trade agreement with Burma?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid a trade agreement can concern itself only with the regulation of trade between two countries.

Mr. S. Satyamurti: May I know the reason why Government may not take into consideration the position of Indians in Burma in deciding whether to give notice or not of the termination of the present trade agreement between India and Burma, as they have promised to do in the case of the trade agreement between Ceylon and India?

The Honourable Sir Muhammad Zafrullah Khan: In the case of Ceylon the question of labour had already been raised and it was felt that all the questions that were pending between the two Governments could not be decided in the course of ordinary trade negotiations. That is why trade negotiations with regard to Ceylon were kept apart from the rest of the trade negotiations with the Board of Trade. With regard to Burma what is under examination in the Commerce Department is the working of the Trade Regulation Order alone and I am afraid that Department is not concerned with the question that the Honourable Member has raised and which is being dealt with by the Department of Education, Health and Lands.

Mr. S. Satyamurti: May I know whether the Commerce Department will get into touch with the Department of Education, Health and Lands with regard to the position of Indians in Burma, so that India may use her powerful weapon in the matter of trade between the two countries to secure for her nationals safety of life and property at least in Burma?

The Honourable Sir Muhammad Zafrullah Khan: I do not know that that would be the best way of dealing with the question. As I have said, the question is already being dealt with by the Department of Education, Health and Lands, and I am hoping, if I am not intruding into what concerns the Department which my Honourable friend Sir Girja Shankar Bajpai represents, that it may be satisfactorily settled before the Trade Regulation Order comes under revision.

Mr. S. Satyamurti: Will Government take into consideration that question in deciding as to giving notice of termination of the agreement, that is to say, will they keep in touch with the progress of the matter in the other department, in making up their minds to give notice to Burma to terminate this agreement?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I could not, on behalf of the Commerce Department, give that undertaking today.

Mr. S. Satyamurti: On behalf of the Government of India, may I have some undertaking that the position of our nationals in Burma will be safeguarded, that Burma will not be allowed to trade with India to her great advantage, and at the same time not give our nationals even the protection of life and property?

The Honourable Sir Muhammad Zafrullah Khan: That is a large question of policy, but the Honourable Member may rest assured that the question of safeguarding the interests of Indians will not in any way be neglected.

LOW PRICES OF PADDY IN INDIA.

45. *Mr. Abdul Qaiyum: Will the Honourable Member for Commerce please state:

- (a) whether the paddy cultivators in India are realising unremunerative prices;
- (b) whether the low prices are mainly due to large imports of Burma rice into India;
- (c) whether Government propose to take the initiative for a new trade agreement with Burma;
- (d) whether notice of termination of the existing India and Burma Trade Regulation Order will be given; and
- (e) if not, what steps Government intend to take to check the fall in the prices of rice?

The Honourable Sir Muhammad Zafrullah Khan: (a) Recent enquiries into the cost of production of rice in certain areas do not support the conclusion that prices to the cultivators in those areas are unremunerative. Precise information as to the cost of production in all producing areas is not available.

(b) The course of prices is determined by a number of factors the relative importance of which must be a matter of opinion.

(c) and (d). I would refer the Honourable Member to the answer just given by me to parts (a) and (b) of Mr. Chaudhury's question.

(e) Does not arise.

Mr. Abdul Qaiyum: May I know if it is not a fact that prices are likely to rise if there is a check on imports of rice from Burma?

The Honourable Sir Muhammad Zafrullah Khan: That is a matter of opinion.

Mr. Abdul Qaiyum: May I know if this Indo-Burma Trade Regulation Order will automatically lapse in April, 1940, or whether a notice will be necessary for termination of that order.

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member had better read the terms of the Regulation Order.

Mr. Manu Subedar: Are Government aware that large forward contracts have been made with regard to the importation of paddy from Siam and there is an apprehension in the mercantile community that as soon as the goods arrive the prices will fall?

The Honourable Sir Muhammad Zafrullah Khan: No.

Mr. Manu Subedar: Has not a representation been received by Government to this effect?

The Honourable Sir Muhammad Zafrullah Khan: I could not say without notice.

RICE PRODUCED IN INDIA AND IMPORTED FROM BURMA.

46. *Mr. Abdul Qaiyum: Will the Honourable Member for Commerce please state:

- (a) the amount of rice produced in India in the latest year for which figures are available; and
- (b) the amount of rice imported from Burma during each of the years 1937-38 and 1938-39?

The Honourable Sir Muhammad Zafrullah Khan: (a) The total production of rice in India for 1937-38 is estimated at 26,544,000 tons.

(b) A statement is laid on the table.

Import of Rice from Burma into India since April, 1937.

	Rice (including broken rice). Tons.	Paddy. Tons.
1937-38	1,197,734	33,233
1938-39 (April to December)	755,600	28,303

DUMPING OF BURMA RICE AT UNECONOMIC PRICES IN BENGAL.

47. *Mr. Akhil Chandra Datta: (a) Will the Honourable the Commerce Member please state whether he is aware that in spite of the fact that Bengal is a deficit Province in regard to the production of rice, the price level of rice and paddy is on the down grade in Bengal, and is causing great hardship to the cultivators?

(b) Is this due to the dumping of rice from Burma into Bengal at uneconomic prices?

(c) Have Government considered the necessity and advisability of taking effective steps to put a stop to the dumping of rice from Burma at uneconomic prices in order that cultivators of paddy may obtain remunerative prices for their crop?

(d) In order to achieve that object, have Government considered the advisability of terminating the India and Burma (Trade Regulation) Order of 1937, and having in its place a new trade agreement providing for the proper regulation of the import of Burma rice into India?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). The statement of prices which I have laid on the table shows that as compared with last year prices are generally higher and that the premium for local Bengal rice over Burma rice has increased.

(c) and (d). I would refer the Honourable Member to the answer just given by me to parts (a) and (b) of Mr. Chaudhury's question.

Mr. K. Santhanam: May I know whether the Honourable Member is aware that after a short spurt of rise prices in Madras have gone down to below the usual level of the last three years?

The Honourable Sir Muhammad Zafrullah Khan: These questions have been directed to prices in Bengal. With regard to prices in Madras, I must ask for notice.

TARIFF BOARD REPORTS ON CERTAIN INDUSTRIES.

48. *Mr. Akhil Chandra Datta: (a) Will the Honourable the Commerce Member please state whether the Tariff Boards appointed to enquire into the question of continuance of protection to the paper and paper pulp, magnesium chloride and sericultural industries have submitted their report?

(b) Have Government examined those reports and formulated their decision thereon?

(c) If so, what are those decisions?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes, Sir.

(b) The reports are still under examination.

(c) Does not arise.

APPLICATION FOR THE APPOINTMENT OF A TARIFF BOARD ON SALT.

49. *Mr. Akhil Chandra Datta: Will the Honourable the Commerce Member please state whether any application has been received from the salt industry for the appointment of a Tariff Board to secure a reasonable price in the Calcutta market? If so, what decision, if any, has been reached thereon?

The Honourable Sir Muhammad Zafrullah Khan: The question should have been addressed to the Honourable the Finance Member.

APPOINTMENT OF A TARIFF BOARD FOR THE TEXTILE INDUSTRY.

50. *Mr. Akhil Chandra Datta: Will the Honourable the Commerce Member please state whether Government have come to any decision regarding the appointment of a Tariff Board for the textile industry?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir.

Mr. S. Satyamurti: According to the information in the possession of Government, may I know what is the latest date before which they will have to appoint this Tariff Board, taking into account the time the Tariff Board will go into the matter and the time that Government will take to consider its report?

The Honourable Sir Muhammad Zafrullah Khan: That would depend very much on whether a trade agreement is finally concluded with the United Kingdom and given effect to.

Mr. S. Satyamurti: May I take it that Government will make up their mind one way or the other after consulting this House about the fresh agreement to take the place of the Ottawa Agreement?

The Honourable Sir Muhammad Zafrullah Khan: It is only then that the scope of the activities of the Tariff Board which may be set up to deal with the textile industry can be determined.

Mr. T. S. Avinashilingam Chettiar: When does the period of protection end?

The Honourable Sir Muhammad Zafrullah Khan: I believe on 31st March, 1939.

Mr. Manu Subedar: What would be the position of the textile industry in the meantime—in the interval between the appointment of the Tariff Board and the receipt of its report and the decision of the Government on it?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member had better wait and see.

Mr. Manu Subedar: I want to know whether the industry will continue to receive protection on the old basis or a new basis or any temporary basis. What will be the position during the few months that this enquiry will take?

The Honourable Sir Muhammad Zafrullah Khan: My answer is the same.

Mr. S. Satyamurti: May I know whether Government realise the vital interests involved, or do they propose to take the industry by surprise after 31st March, 1939? Do they realise the danger to the interests of the industry as a whole?

The Honourable Sir Muhammad Zafrullah Khan: They appreciate all the considerations that have been suggested.

Mr. Manu Subedar: Is it a question of threat to the textile industry that if they do not agree to the terms which Government propose to offer to the United Kingdom, they will be left without protection for a period of a few months?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member has no reason to assume that.

Mr. S. Satyamurti: What is the reason that Government will not give the industry some notice of their intention as to what they propose to do after two months in view of the vast interests involved?

The Honourable Sir Muhammad Zafrullah Khan: I have already answered that question. Before they come to any decision, Government must be in a position to determine the scope of the activities of the Tariff Board that will be set up.

SCHEMES FOR INDUSTRIAL RESEARCH AND PLANNING.

51. *Mr. Akhil Chandra Datta: (a) Will the Honourable the Commerce Member please state whether Government have formulated any scheme for promoting:

(i) industrial research, and

(ii) industrial planning?

(b) What action has been taken to carry out that scheme?

(c) What amount of money has been spent by Government in 1937-38 for :

- (i) agricultural research, and
- (ii) industrial research ?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). As regards industrial research, I would invite the Honourable Member's attention to the existence of the Industrial Research Bureau, the functions of which were explained in an answer given to Mr. Mohan Lal Saxena's starred question No. 615 on the 3rd March, 1938. As regards planning, the Government of India's policy is that of discriminating protection, which was laid down in the Government of India, Commerce Department, Resolution No. 3748, dated the 10th July, 1923, under which several important industries have been successfully established in this country.

(c) The attention of the Honourable Member is invited to the statement laid on the table of the House in answer to part (a) of starred question No. 1018, dated the 14th September, 1938, by Babu Baijnath Bajoria. In addition to the grants mentioned therein a sum of Rs. 2,63,695 was spent on the scheme for the improvement of agricultural marketing during the year 1937-38.

Mr. S. Satyamurti: In view of the speech that the Honourable Member made in Bombay that the Government of India will co-operate with the Planning Committee of the Indian National Congress, may I know whether Government have since taken any steps to get into touch with that committee with regard to future industrial planning in this country ?

The Honourable Sir Muhammad Zafrullah Khan: I have no recollection of having said anything of the kind that the Honourable Member attributes to me.

Mr. S. Satyamurti: I apologise. May I know whether Government have any intention of co-operating with the Industrial Planning Committee of the Indian National Congress, and, if so, what are the lines on which they propose to co-operate ?

The Honourable Sir Muhammad Zafrullah Khan: There is a question down to that effect.

VESTING OF RECIPROCAL POWERS ON THE INDIAN MEDICAL COUNCIL WITH REGARD TO BRITISH MEDICAL QUALIFICATIONS AND INFLUX OF GERMAN AND JEW DOCTORS IN INDIA.

52. *Mr. Lalchand Navalrai: (a) Will the Secretary for Education, Health and Lands be pleased to state if Government have received, by now, the report of the Indian Medical Council with a view to vesting in the Council the reciprocal powers with regard to British medical qualifications ?

(b) If so, what conclusions have Government come to ?

(c) Have Government received any representations from Indian medical practitioners that German and Jewish doctors are flooding this country all round, and what steps do Government propose to take in respect thereto ?

Sir Girja Shankar Bajpai: (a) and (b). Government have received a copy of a Resolution passed by the Medical Council of India at its meeting on the 24th October, 1938, recommending that the Indian Medical Council

Act, 1933, should be amended so as to make provision of the nature set out in clauses (a) and (b) of section 120 (1) of the Government of India Act, 1935. The matter is under the consideration of Government.

(c) Government have received a copy of a resolution passed by the All-India Medical Conference in December, 1938, suggesting prohibition of the immigration of medical practitioners from countries which do not recognise Indian medical qualifications. That resolution will be examined.

Mr. Lalchand Navalrai: May I know when the amendment of the Act will be enforced?

Sir Girja Shankar Bajpai: The amendment will have to be made before it can be put into force and I cannot say when the amendment will be made.

Mr. Lalchand Navalrai: May I know when Government will examine the recommendations of the Medical Council and come to a conclusion?

Sir Girja Shankar Bajpai: Government will complete their examination as quickly as possible. I cannot assign any precise date as to when it will be completed.

Mr. Lalchand Navalrai: Is it a fact that these Jewish doctors and German doctors are too many here?

Sir Girja Shankar Bajpai: The question as to what constitutes too many is a matter of opinion. I cannot say.

Mr. Lalchand Navalrai: Will the Honourable Member give me an idea how many there are?

Sir Girja Shankar Bajpai: Well, Sir, if my Honourable friend will put down a precise question to that effect, I will try and get the answer for him.

Mr. J. D. Boyle: Sir, have Provincial Governments got the right to restrict the registration of foreign doctors?

Sir Girja Shankar Bajpai: I am speaking from memory but my recollection is that the registration of medical qualifications in the Provinces is primarily the concern of the Provincial Ministries.

Mr. Manu Subedar: Is there any provision for requiring permits for German Jews landing in this country? This is something which the Central Government can do.

Mr. President (The Honourable Sir Abdur Rahim): Next question.

NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT.

53. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Commerce be pleased to state if any new Indo-British Trade Agreement has been arrived at? If so, what are its conditions and how far have the Indian interests been vouchsafed?

(b) Do Government propose to introduce any legislation to give effect to any new Indo-British Trade Agreement? If so, when?

(c) If no Indo-British Trade Agreement has been arrived at, will the Honourable Member be pleased to state how far the agreement has been reached?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). The Honourable Member's attention is invited to the reply just given to Mr. T. S. Avinashilingam Chettiar's question No. 35.

Mr. Lalchand Navalrai: With regard to the answer to clause (a), my question is more comprehensive and the reply does not answer all that I have asked. With regard to the first point, I want to know whether an agreement has been arrived at, what are the conditions, and how far have the Indian interests been vouchsafed?

The Honourable Sir Muhammad Zafrullah Khan: I have said that an agreement has not yet been arrived at; having said that, how can I answer the latter part of the question?

Mr. Lalchand Navalrai: When is it likely to be concluded?

The Honourable Sir Muhammad Zafrullah Khan: That also I have answered in reply to other questions.

Mr. Lalchand Navalrai: That it is indefinite?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member was not listening.

Mr. President (The Honourable Sir Abdur Rahim): Next question.

NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT.

†54. ***Mr. Akhil Chandra Datta:** (a) Will the Honourable the Commerce Member please state whether Government's attention has been drawn to the following statement recently made in the House of Commons by Mr. Oliver Stanley, President of the Board of Trade:

"The object of the British Government was to conclude the best trade agreement with India that could be negotiated in the general interest of United Kingdom trade?"

(b) Does that statement represent the intention and instruction of the Government of India also?

(c) If not, what steps have the Government of India taken, or propose to take, to safeguard the interests of Indian trade?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have seen the statement referred to.

(b) and (c). Conversely, Sir, the object of the Government of India has been to conclude the best trade agreement with the United Kingdom that can be negotiated in the commercial and agricultural interests of this country.

†Answer to this question laid on the table, the questioner having exhausted his quota.

REPATRIATION OF INDIANS FROM BRITISH GUIANA.

55. *Seth Govind Das: Will the Secretary for Education, Health and Lands please state:

- (a) whether the British Guiana authorities contemplate returning another shipment of repatriated Indians to India from British Guiana at the nearest future;
- (b) whether his attention has been drawn to the statement made by Mr. Jacob at the recent centenary celebrations in British Guiana regarding Indians there; and
- (c) whether he has taken steps to ensure against further repatriation of Indians from British Guiana?

Sir Girja Shankar Bajpai: (a) Not so far as Government are aware.

(b) Government have seen a press report of Mr. Jacob's speech during the Indian centenary celebrations in British Guiana.

(c) I would invite the attention of the Honourable Member to my reply to part (e) of his starred question No. 1143 on the 19th September, 1938.

Seth Govind Das: Have Government addressed any fresh communication to the Government of British Guiana?

Sir Girja Shankar Bajpai: I think on that occasion I told my Honourable friend that the question of the utilization of the emigration fund for purposes of settlement will be examined by the Government of India. And, as my Honourable friend is aware, Mr. Tyson is in British Guiana or will soon be there on behalf of the Government of India. All I can tell him at the moment is that he will look into this question.

Seth Govind Das: Has he been instructed to look into this question particularly?

Sir Girja Shankar Bajpai: His primary duty is to present the case of Indians there before the Royal Commission and he will undoubtedly, in such time as he can spare, examine this question also with special attention.

Seth Govind Das: Will he examine the question of using the emigration fund for keeping the Indians in British Guiana and not repatriating them to India again?

Sir Girja Shankar Bajpai: I think he will examine the whole question of repatriation of Indians from British Guiana to India.

INFLUX OF JEWS IN KENYA AND SAFEGUARDING OF THE INTERESTS OF INDIANS.

56. *Seth Govind Das: Will the Secretary for Education, Health and Lands please state:

- (a) whether Government are alive to the implications of the proposed Kenya Immigration Legislation now in the select committee stages;

- (b) whether Government realize that the immigration of Jewish refugees would create fresh rights for aliens, while Indian British subjects are deprived of them, as in the case of the Kenya Highlands;
- (c) whether Government realize that a large influx of Jews would drive the already settled Indian merchant, trader, professional man and Government servant out of the employment and preferment in Kenya;
- (d) whether he is aware that no Indian was appointed to the Kenya Immigration Advisory Board, which is regarded in Kenya, by Indians, as extremely invidious; and
- (e) what steps Government have taken, or propose to take, to safeguard Indian interests involved in this matter?

Sir Girja Shankar Bajpai: (a)—(c) and (e). The Government of India have seen the text of the Kenya Immigration Restriction (Amendment No. 2) Ordinance, 1938, and have also received a representation on the subject from the East African Indian National Congress. They have already addressed His Majesty's Government in the matter.

(d) Yes. This matter is also under correspondence with His Majesty's Government.

Seth Govind Das: Is it now a settled fact that Jews are going to be given the highlands of Kenya?

Sir Girja Shankar Bajpai: I submit that that does not arise out of this question—as to whether they are to be given the rights of settlement in the Highlands or not.

Seth Govind Das: It arises out of this question because I am raising this question—the condition of Indians as far as the highlands are concerned.

Mr. President (The Honourable Sir Abdur Rahim): That is too general. The Honourable Member ought to put down a more specific question.

PROPOSED SETTLEMENT OF JEWS IN CERTAIN COLONIES IN EAST AFRICA.

57. *Seth Govind Das: Will the Secretary for Education, Health and Lands please state:

- (a) whether his attention has been drawn to the "Immigration Restriction Ordinance Amending Bill" after its second reading stages;
- (b) whether it is a fact that the East African Indian National Congress communicated with Government by telegram, expressing concern about the proposed settlement of Jews in Kenya, Tanganyika, Zanzibar and Uganda, and the pace at which the Kenya Government were rushing through the Legislative Council the Bill to amend the Immigration Restriction Ordinance; and
- (c) whether he has taken any steps, or proposes to do so, to represent the position to His Majesty's Government for redress; and with what result, if any?

Sir Girja Shankar Bajpai: (a) and (c). The attention of the Honourable Member is invited to the reply given by me just now to his question No. 56.

(b) The East African Indian National Congress in a letter to the Government of India expressed their concern about the entry of Jews into Kenya and their apprehension regarding the Immigration Restriction Ordinance.

Seth Govind Das: Will Government take this occasion and again reopen the question of Indian settlement in the highlands?

Sir Girja Shankar Bajpai: I submit that question does not arise directly or indirectly out of this. This is concerned primarily with the Immigration Ordinance.

DUMPING OF BURMA RICE AT UNECONOMIC PRICES IN BENGAL.

58. *Seth Govind Das: Will the Honourable the Commerce Member please state:

- (a) whether the Bengal National Chamber of Commerce approached Government and represented in December last for the termination of the India-Burma (Trade Regulation) Order, 1937, in order to end the menace of dumping of rice in India by Burma;
- (b) whether he has taken steps or proposes to give notice of the termination of the Order of 1937 at the earliest possible date;
- (c) whether he is aware that the dumping of Burmese rice is to a large extent responsible for the low level of prices in rice, specially in Bengal and East Coast markets; and
- (d) whether he proposes consulting this House, or the representatives of the commercial and consuming communities, in the conclusion of the fresh Trade Regulation Order on its various issues?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). The Honourable Member is referred to the answers given by me today to similar questions.

(d) Does not arise at present.

DUMPING OF BURMA RICE AT UNECONOMIC PRICES IN BENGAL.

59. *Seth Govind Das: Will the Honourable the Commerce Member please state:

- (a) the total quantity of rice being imported into India from Burma since the enforcement of the "India-Burma (Trade Regulation) Order, 1937";
- (b) whether it is a fact that rice from Burma is imported into India free of import duty;
- (c) whether he is aware that foreign market for Burma rice is almost closed for export and the only resort for Burma rice is to be dumped in Indian markets;
- (d) whether he is aware that Burma has millions of tons of rice in stock to export to India at times of favourable prices; and

- (e) whether he is aware that Burma can compete with Indian rice in India at uneconomic rates for all times to come, when such rice from Burma is allowed entry into India without duty?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Honourable Member is referred to the statement laid on the table today in reply to part (b) of Mr. Abdul Qaiyum's starred question No. 46.

- (b) Yes.
 (c) No. It is not borne out by the export figures of Burma.
 (d) Government have no information.
 (e) Government are not so aware.

Mr. K. Santhanam: May I know the percentage of exports of rice from Burma which comes to India?

The Honourable Sir Muhammad Zafrullah Khan: That is, the percentage of the total export from Burma? I am afraid I will have to require notice.

SELECTION OF DR. DAVIES AS DIRECTOR OF DAIRY RESEARCH INSTITUTE.

60. *Mr. K. S. Gupta: Will the Secretary for Education, Health and Lands be pleased to state:

- (a) whether it is a fact that Dr. Davies of the Reading Institute has been selected by the High Commissioner for India for the office of the Director of Dairy Research Institute to be started in Delhi;
 (b) what are the qualifications of Dr. Davies;
 (c) whether it is a fact that Dr. Davies is an Assistant Chemist in the Reading Institute with no experience in dairying; and
 (d) what is his present salary in England; and what would be the salary of the Director of the Dairy Research Institute to be started in India?

Sir Girja Shankar Bajpai: (a) to (d). The post was advertised in India and England. The pay offered in the advertisement is Rs. 1,800—50—2,050 *plus* overseas pay of £30 if admissible. No appointment has yet been made.

APPLICATIONS INVITED FOR THE POST OF DIRECTOR OF DAIRY RESEARCH INSTITUTE.

61. *Mr. K. S. Gupta: (a) Will the Secretary for Education, Health and Lands be pleased to state if there was an advertisement calling for applications in India for the office of the Director of Dairy Research Institute? If so, how many persons applied and what are the qualifications of Indian applicants?

(b) Are the Animal Husbandry Expert and Dairy Expert of the Government of India the applicants for the job? If so, what is the result? If not, is there anything to prevent them for applying for the job?

Sir Girja Shankar Bajpai: (a) and (b). As stated in answer to the previous question, the post was advertised both in India and England. The Public Service Commission received six applications. The Dairy Expert

was one of the applicants; the Animal Husbandry Expert was not. I have already informed the House that no appointment has yet been made.

Mr. Manu Subedar: Why was the salary fixed so high?

Sir Girja Shankar Bajpai: Because Government came to the conclusion that they could not get a suitable man on a lower rate of pay.

REPORT ON THE CONDITIONS AND PROBLEM OF INDIAN CATTLE AND
LOCATION, ETC., OF THE DAIRY RESEARCH INSTITUTE.

62. *Mr. K. S. Gupta: (a) Will the Secretary for Education, Health and Lands be pleased to state whether there is any report of a preliminary study of the local conditions and the problem of Indian cattle? If so, will it be laid on the table of the House?

(b) Has the question of location, lay out and equipment of the Central Dairy Research Institute been decided? If so, by whom?

Sir Girja Shankar Bajpai: (a) The attention of the Honourable Member is invited to the Report of Dr. N. C. Wright on the Development of the Cattle and Dairy Industries of India, copies of which are available in the Library of the House.

(b) No. The second part, therefore, does not arise.

AMENDMENT OF THE GOVERNMENT OF INDIA ACT, 1935.

†63. *Seth Govind Das: Will the Honourable the Leader of the House please state:

- (a) whether it is a fact that it is contemplated to amend the Government of India Act, 1935, and that there has been correspondence between the Viceroy and the Secretary of State;
- (b) whether the proposals of the Secretary of State have been received and discussed in the cabinet meeting of the Viceroy;
- (c) the conclusion they have arrived at on the proposals received; and
- (d) whether he will lay on the table a copy of the proposals?

The Honourable Sir Nripendra Sircar: I regret that I am not in a position to give any reply to the questions put by the Honourable Member.

FRESH ANTI-ASIATIC AGITATION IN TRANSVAAL.

64. *Mr. K. Santhanam: Will the Secretary for Education, Health and Lands please state:

- (a) whether the attention of Government has been drawn to an Associated Press news from New Delhi, published on page 8 of the *Hindu* dated the 20th December, 1938, relating to a fresh anti-Asiatic agitation in Transvaal;
- (b) whether the Government of India have obtained a copy of the memorandum signed by the Chairman and Secretary of the Federation of Rate-payers Association of Pretoria, mentioned in the report, and whether he will lay it on the table of the House;

†Answer to this question laid on the table, the questioner having exhausted his quota.

(c) whether any quarters have at present been reserved for Europeans in Pretoria or other places in Transvaal; and

(d) whether any, and if so, what, steps are being taken by Government to prevent further discrimination against Indians?

Sir Girja Shankar Bajpai: (a) Yes.

(b) Government have not received a copy of the memorandum referred to in the Press report, but their Agent General in the Union has reported to them the activities of the Federated Ratepayers' Association of Pretoria.

(c) No.

(d) The Agent General in the Union has taken up the matter with the Minister concerned.

Seth Govind Das: Have the Government of India heard anything recently from the Agent General in this respect?

Sir Girja Shankar Bajpai: My answer has taken into account the latest information submitted by the Agent General in South Africa.

Mr. K. Santhanam: May I know whether there are any proposals on the part of the Government of South Africa to impose discrimination in accordance with representations made by this Association?

Sir Girja Shankar Bajpai: No, Sir, not so far as the Government of India are aware.

Sir Syed Raza Ali: Has the attention of the Government of India been drawn to the recent trouble in Rustenburg, and if so, are they prepared to say what the root cause is,—that is, in connection with the anti-Indian feeling recently displayed in the Transvaal referred to in the question?

Sir Girja Shankar Bajpai: I should be very happy to answer the question with regard to the Rustenburg incident if I am given notice. I have been confining my reply to the question of action or representations made by a certain Association in Pretoria.

Seth Govind Das: Are Government aware that the matter referred to by Sir Raza Ali is connected with this question because it is on account of the activities of this Association that that disturbance has arisen?

Sir Girja Shankar Bajpai: Well, Sir, at that rate the state of ill-feeling in South Africa towards Indians may have given rise to a series of incidents, and if I am expected to answer questions in detail with regard to all such incidents, I submit that cannot be reasonably expected.

Dr. Sir Ziauddin Ahmad: Are you in a position to answer it now, or you want notice of the question?

Sir Girja Shankar Bajpai: I have already said that if my Honourable friend wants information with regard to the Rustenburg incident I should be happy to answer the question if I am given notice.

Sir Syed Raza Ali: With reference to the reply recently given by the Honourable Mr. Stradford, the Minister of the Interior in South Africa, to the deputation of European rate-payers that waited on him giving a sort of assurance about the addition to Indian disabilities in the matter of acquisition of land in the Transvaal, will Government be pleased to say if they have taken any action in the matter, and, if so, what?

Sir Girja Shankar Bajpai: My Honourable friend is doubtless referring to a report in the press that Mr. Stadford told the representatives of the Association that if 60 per cent. of the residents in a particular area wanted anti-Asiatic restriction clause to be introduced in leases, he would be prepared to make such a provision by law. My information from the Agent General is that Mr. Stadford did not make a statement to that effect. He might have had some such proposal in mind but he is open to argument and the Agent General is taking up the matter with him.

REVISED INSTRUMENT OF ACCESSION.

65. *Mr. K. Santhanam: Will the Honourable the Leader of the House please state :

- (a) whether the revised Instrument of Accession has been sent to the Rulers of Indian States;
- (b) what is the time limit fixed for the reply; and
- (c) whether a copy of the revised Instrument will be placed on the table of the Assembly, if it has already been issued, and if it has not yet been issued, as and when it is issued?

The Honourable Sir Nripendra Sircar: (a) The attention of the Honourable Member is invited to the reply which I gave a little while ago to Mr. Avinashilingam Chettiar's starred question No. 34.

(b) It is not in the public interest to give information on this point.

(c) No, Sir.

Mr. K. Santhanam: When the original Instrument of Accession was formerly published by Government, may I know what is the objection to the publication of the revised Instrument of Accession so that we may be able to compare the two?

The Honourable Sir Nripendra Sircar: I submit, Sir, that under the rules of Parliamentary practice it is not open to my Honourable friend to cross-examine me as to why it is not in the public interest to give the information.

Mr. K. Santhanam: I am only asking whether Government have any special objection to the publication of the revised Instrument of Accession especially when they have already published the original Instrument of Accession?

The Honourable Sir Nripendra Sircar: I have nothing to add to the answer. An objection is an objection whether it is a special objection or an ordinary objection.

Mr. K. Santhanam: May I ask whether there is anything in the revised Instrument of Accession which is so radically different from the original one that it requires to be kept secret?

The Honourable Sir Nripendra Sircar: I am afraid I cannot answer that question.

Mr. Manu Subedar: May I ask at what stage do Government propose to take into their confidence the leaders of people in British India with regard to this matter?

The Honourable Sir Nripendra Sircar: I am afraid I cannot answer that question.

Mr. T. S. Avinashilingam Chettiar: May I ask what is the time-limit fixed with reference to clause (b) of the question?

The Honourable Sir Nripendra Sircar: The answers which I have given cover that question.

Mr. S. Satyamurti: May I ask whether the Government of India propose to carry on only bilateral negotiations between themselves and the Princes, and keep the people of British India at arm's length throughout?

The Honourable Sir Nripendra Sircar: I do not admit that insinuation.

Mr. S. Satyamurti: May I know whether there is any proposal in the mind of Government to take the people of British India into their confidence or this House into their confidence at any stage of the negotiations, with regard to the accession of Indian States to the Federation?

The Honourable Sir Nripendra Sircar: I cannot answer that question because the explanation, if furnished, will involve a lot of discussion, and I am not prepared to discuss the matter.

Mr. S. Satyamurti: May I ask if the Government of India have any intention to consult the Provincial Governments of the eleven provinces who are also interested in the negotiations that are being carried on about the Federation?

The Honourable Sir Nripendra Sircar: I answered this question in an earlier session and I repeat the same answer, namely, that I cannot give the information.

INDIA'S EXPORTS TO AND IMPORTS FROM CZECHOSLOVAKIA.

66. *Mr. K. Santhanam: Will the Honourable Member for Commerce please state :

- (a) the figure of India's exports to and imports from Czechoslovakia for three months before and after the Munich agreement;
- (b) whether the reduction of India's exports to Czechoslovakia have been compensated by increased exports to Germany and to what extent;

(c) whether, as a result of the increasing German influence in Central Europe, India's trade with the countries therein is declining; and

(d) whether the Government of India have taken any steps in the matter?

The Honourable Sir Muhammad Zafrullah Khan: (a) I lay on the table a statement showing India's trade with Czechoslovakia for the quarters ending September, 1938, and December, 1938.

(b) No.

(c) There has been a decrease in India's trade with some of the Central European countries but it is not necessarily due to the reason ascribed by the Honourable Member.

(d) No.

Statement showing India's trade with Czechoslovakia during the quarters ending, September and December, 1938.

	Quarter ending September, 1938. (In lakhs of Rs.)	Quarter ending December, 1938. (In lakhs of Rs.)
Exports to Czechoslovakia	48	14
Imports from Czechoslovakia	32	26

ABOLITION OF ENTERTAINMENT TAX IN NEW DELHI AND GOVERNMENT'S CONTRIBUTION TO THE NEW DELHI MUNICIPALITY.

67. *Mr. K. Santhanam: (a) Will the Secretary for Education, Health and Lands please state when the entertainment tax in New Delhi was abolished?

(b) What was the amount received from that tax?

(c) What is the contribution from the revenues of the Government of India for the upkeep of the New Delhi Municipality?

Sir Girja Shankar Bajpai: (a) and (b). No entertainment tax has, hitherto been imposed in the New Delhi Municipality.

(c) The grant-in-aid to be paid during the current year to the New Delhi Municipal Committee is Rs. 3.34 lakhs.

REPRESENTATIONS REGARDING THE INTERPRETATION OF THE INSTRUMENT OF INSTRUCTIONS TO THE GOVERNOR GENERAL.

68. *Mr. K. Santhanam: Will the Honourable the Leader of the House please state :

(a) whether his attention has been drawn to the press report published in the *Hindustan Times* of the 5th January, 1939, relating to certain representations by European commercial interests regarding the interpretation of the Instrument of Instructions to the Governor General and the Secretary of State's reply thereon;

- (b) whether he will place the text of the representations and the reply on the table of the House;
- (c) whether the representations were made through the Government of India, or directly; and
- (d) whether the Secretary of State consulted the Government of India before he gave his reply?

The Honourable Sir Nripendra Sircar: (a) Yes.

(b) to (d). A joint memorial, dated the 24th May, 1937, was submitted direct to the Secretary of State by the Associated Chambers of Commerce and the European Association suggesting certain amendments to the draft Instrument of Instructions to be issued to the Governor General after the establishment of Federation. This memorial was considered by the Secretary of State in consultation with the Government of India. The Reforms Office letter No. F. 122/37-G., dated the 27th July, 1938, to the President, the Associated Chambers of Commerce, containing the substance of the proposals made and the views of the Secretary of State thereon is placed in the Library of the House.

ACTION ON CERTAIN RESOLUTIONS PASSED BY INDIANS IN FIJI.

69. *Mr. Badri Dutt Pande: (a) Will the Secretary for Education, Health and Lands be pleased to state if he has seen newspaper reports to the effect that Indians in Fiji, under the presidency of the Honourable Pandit Hridayanath Kunzru, passed resolutions to the following effect :

- (1) that an enquiry into the economic condition of the Indians in the Colony is essential and in the proposed Commission there should be representatives of both Indians and the Government of India; and -
- (2) that Indians be appointed to the Fiji Governor's Executive Council?

(b) Have these resolutions been received by the Government of India? If so, what action have they taken or propose to take in the matter?

Sir Girja Shankar Bajpai: (a) Yes.

(b) Yes. The matter is under consideration.

Mr. Badri Dutt Pande: Are the Government of India in correspondence with the Colonial Office on this subject?

Sir Girja Shankar Bajpai: The resolution has only recently been received and I cannot say that the Government of India have already taken it up with the Colonial Office.

Mr. Badri Dutt Pande: Is it receiving the active consideration of the Government of India?

Sir Girja Shankar Bajpai: That is so.

**USE OF SWADESHI PAPER IN PUBLICATIONS SUPPLIED TO MEMBERS OF THE
INDIAN LEGISLATURE.**

70. *Mr. S. Satyamurti: Will the Honourable the Labour Member be pleased to state whether for the purpose of the supply and sale of Legislative Assembly and Council of State Manuals, debates, stationery and all publications issued by the Departments to the Members of the Indian Legislature, swadeshi paper is being used and if not why not?

The Honourable Sir Muhammad Zafrullah Khan: With the exception of a small quantity of superior letter paper and envelopes, Indian manufactured paper is used.

Mr. S. Satyamurti: With regard to the "exception", is it because there is no such paper manufactured in India, or is it because it is too costly even after allowing the 10 per cent. price for the Swadeshi articles?

The Honourable Sir Muhammad Zafrullah Khan: I am not quite definite but I believe it is the former.

Mr. S. Satyamurti: Will Government take up the matter through the Departments concerned, with a view to finding out whether we can get that paper manufactured in this country?

The Honourable Sir Muhammad Zafrullah Khan: That matter is being kept constantly under consideration.

Mr. K. Santhanam: Are Government considering the advisability of using only such paper as is produced in India? Is there any fixed rule that only a particular kind of paper should be used for certain purposes?

The Honourable Sir Muhammad Zafrullah Khan: This is a small quantity and the Honourable Member can judge for himself the extent to which this policy has been followed from the fact that the purchase of paper outside India since 1928-29 has fallen from Rs. 1,72,000 to Rs. 14,000 in 1935-36.

WORKING OF THE REFORMS OFFICE.

71. *Mr. S. Satyamurti: Will the Honourable the Leader of the House be pleased to state :

- (a) the present strength and personnel of the Reforms Office;
- (b) how long it has been in existence;
- (c) how much longer it is proposed to continue it in existence;
- (d) what are the main functions which are being discharged by the Reforms Office now; and
- (e) whether the Reforms Office works directly under any Member of Government or of the Governor General?

The Honourable Sir Nripendra Sircar: (a) The staff of the Reforms Office consists now of a Reforms Commissioner and a Deputy Secretary assisted by a small ministerial establishment.

(b) The organisation was started in 1927 as a special branch of the Home Department, but has functioned as a separate, though temporary, Department of the Government of India since May, 1930.

(c) and (d). While the introduction of the constitutional scheme is still incomplete, it is considered necessary to retain a Reforms organization in some form, and the matter is under consideration.

(e) Since its creation in 1930 the Reforms Office has been in the personal portfolio of His Excellency the Governor General and that is the present position.

Mr. S. Satyamurti: With reference to the answer to clause (d) of the question, I should like to know whether the Honourable Member can give the House some indication of the main functions which are now being discharged by the Reforms Office.

The Honourable Sir Nripendra Sircar: I can only answer it in a general way that they have got to deal with all questions arising in connection with the expected introduction of the Federation. What more can I say?

Mr. S. Satyamurti: In view of the fact that the "astrologer" is in possession of the facts, may I ask what are the specific functions which this Department is now discharging, and whether the Government of India have satisfied themselves that the work now being discharged by them requires the existing staff of a highly paid Reforms Commissioner, a Deputy Secretary, and the ministerial staff?

The Honourable Sir Nripendra Sircar: If they had not been so satisfied they would not have maintained the staff.

Mr. S. Satyamurti: Are you so sure?

The Honourable Sir Nripendra Sircar: Absolutely.

Mr. S. Satyamurti: May I know if Government have any intention of absorbing this office as part of the Home Department at a very early stage?

The Honourable Sir Nripendra Sircar: I have said that the matter is under consideration and I cannot reply to this question. I am not aware of any such existing intention.

WORKING OF THE NEW INDIAN LEGISLATIVE RULES IN RESPECT OF STARRED QUESTIONS FOR ORAL ANSWER.

72. *Mr. S. Satyamurti: Will the Honourable the Law Member be pleased to state :

- (a) whether Government have examined the working of the new Indian Legislative Rules in respect of starred questions for oral answer in the Assembly;
- (b) whether Government have consulted the heads of departments concerned for the answering of questions; if so, what their opinions are; and
- (c) whether Government propose to consult Leaders of Parties in the House, and reconsider the whole question with a view to make the necessary changes in the Indian Legislative Rules?

The Honourable Sir Nripendra Sircar: (a) and (b). All Departments participated in an examination of the working of the new rule which was undertaken after the termination of the first Session during which the

rule was in operation and all Departments were agreed that the rule had worked satisfactorily.

(c) No.

Mr. S. Satyamurti: May I know the reason why Government will not consult the leaders of Parties, while they have consulted their own Departments? After all, it is the non-official Members of the House who have to do bulk of the work. May I know why Government refuse to consult leaders of Parties?

The Honourable Sir Nripendra Sircar: They would have had consultation if they had felt that there was any necessity for it, and if there was any inconvenience which had arisen.

Mr. S. Satyamurti: Have Government satisfied themselves that no inconvenience has been caused to non-official Members in this House?

The Honourable Sir Nripendra Sircar: Yes, Sir.

Mr. S. Satyamurti: On what grounds?

The Honourable Sir Nripendra Sircar: By the absence of loud clamour to the contrary.

AMENDMENT TO THE VILLAGE FRANCHISE ORDINANCE OF CEYLON.

73. *Mr. S. Satyamurti: Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether Government have definitely refused to accept the recent amendment to the Village Franchise Ordinance passed by the Ceylon Legislative Council;
- (b) whether Government have considered that the exclusion of Sinhalese estate labourers will not at all redress the grievances of the Indian estate labourers;
- (c) whether Government are aware that the Sinhalese labourers will get the franchise in some other form as they do not live on the estate;
- (d) whether Government have made representations to His Majesty's Government not to allow this Bill to become law;
- (e) whether Government are aware that the Governor of Ceylon has referred the amended Bill to His Majesty's Government for fresh consideration; and
- (f) whether Government propose to take adequate and prompt steps in this matter?

Sir Girja Shankar Bajpai: (a), (d) and (f). The Government of India have already represented to His Majesty's Government that, in their opinion, the amended Ordinance does not meet the Indian point of view.

(b) Yes.

(c) Government understand that this may happen in many cases.

(e) The Bill has since received His Majesty's assent and has become law.

Mr. S. Satyamurti: Since the Bill has become law, may I know whether the Government of India have made or propose to make any further representations in view of the obvious injustice done to the Indian estate labourers?

Sir Girja Shankar Bajpai: As my Honourable friend is aware the position of the Government of India has been made perfectly clear both to the Government of Ceylon and to His Majesty's Government at every stage. My Honourable friend is also aware of the action which the Government of India took when it became apparent that the Ceylon Government were not responsive to their suggestion for the Ordinance to be amended on certain lines. At the present moment the Government of India do not think that any further representations or repetition of arguments is likely to be effective.

Mr. S. Satyamurti: May I know whether my Honourable friend will press on the Commerce Department of the Government of India to take into consideration this question also, when trade negotiations between Ceylon and India are opened and conducted?

Sir Girja Shankar Bajpai: The Honourable the Commerce Member has already indicated to my Honourable friend and the House that the intention is that these trade negotiations should not be limited to trade matters only and I think I can tell him that when other matters come up, this aspect of the Indian problem will be borne in mind.

DUTIES OF THE HIGH COMMISSIONER FOR INDIA IN LONDON.

74. *Mr. S. Satyamurti: Will the Honourable the Commerce Member be pleased to state :

- (a) what are the main duties of the High Commissioner for India in London; and
- (b) whether in any sense he is the political representative of India?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Honourable Member is referred to annexure E on pages 77-81 of the Account Code, First Edition (reprint) a copy of which is in the Library.

(b) The Honourable Member must draw his own conclusions from the reply I have given to part (a) of his question.

Mr. S. Satyamurti: I cannot draw my own conclusions. May I ask for some help from Government whose representative in London is the High Commissioner, whether according to their interpretation of these various functions, there is cast on him any duty which makes him wholly or partially, directly or indirectly, the political representative of India?

The Honourable Sir Muhammad Zafrullah Khan: I am unable to give a legal opinion.

Mr. S. Satyamurti: May I know whether Government have considered his recent speeches speaking as a "plenipotentiary" or a "diplomatic representative" of India, and whether they have examined his duties from

the point of view of instructions laid down and drawn his attention to the fact that his duties as defined do not extend to those speeches?

The Honourable Sir Muhammad Zafrullah Khan: This point was canvassed at great length between the Honourable Member and myself during the last Session.

Mr. S. Satyamurti: May I know whether the Government of India have come to any conclusion on this question, that if they do want a political representative for India, they must have other agencies and not allow the High Commissioner to discharge the duties of a political representative?

The Honourable Sir Muhammad Zafrullah Khan: I do not think that question arises.

Mr. S. Satyamurti: May I know whether Government have acquiesced in the position that the present High Commissioner has taken that he can speak of the political aspirations and ambitions of this country and pose in other countries as if he speaks the voice of the people of India in political matters?

The Honourable Sir Muhammad Zafrullah Khan: The High Commissioner has done nothing to which the Government of India could take objection.

Mr. S. Satyamurti: Have the Government of India examined his speeches from this point of view, and have they satisfied themselves that his statements in Canada with regard to our ambition and political future is consistent with his duties as the High Commissioner for India?

The Honourable Sir Muhammad Zafrullah Khan: Having regard to the purpose for which he visited Canada and the position he occupied there, no objection could be taken to his speeches.

Mr. S. Satyamurti: I quite see the distinction which the Honourable Member draws, but it is neither here nor there, but *per se* his position as High Commissioner, is he free to make such speeches?

The Honourable Sir Muhammad Zafrullah Khan: That is an argument.

Mr. President (The Honourable Sir Abdur Rahim): This has been fully canvassed before.

†75*.

MONOPOLY FOR THE SUPPLY OF MILK IN NEW DELHI.

76. ***Mr. K. S. Gupta:** (a) Will the Secretary for Education, Health and Lands state whether it is a fact that the milk supply to the New Delhi residents is monopolised by a European firm, Messrs. Keventers and Company?

(b) Is the milk supplied pure and genuine?

(c) Is it daily examined by the authorities concerned before it is distributed?

(d) What is the sediment due to at the bottom of vessels, if the milk supplied is allowed to remain for some time?

(e) How many seers per rupee are sold by the above mentioned firm?

(f) Is the Honourable Member aware that pure and genuine cow's milk was sold by *gowalas* at eight seers per rupee before the monopoly?

(g) Are Government aware that inferior milk at a higher rate is a great hardship on the poor and the middle class people living in New Delhi?

Sir Girja Shankar Bajpai: (a) No.

(b) Yes, so far as is known.

(c) No, but analyses are carried out from time to time.

(d) Government have no information.

(e) The price charged by the firm is 2 as. 6 ps. a seer.

(f) Milk was, and still is, supplied by *gowalas*, but Government have no knowledge of the quality of the milk supplied nor of the price charged.

(g) No.

Prof. N. G. Ranga: Is it not one of the duties of the Local Government or the Central Government to see that no adulteration is carried on and the milk supplied by the *Keventers* or the *gowalas* is examined by scientific experts?

Sir Girja Shankar Bajpai: My Honourable friend is aware of the provisions of the Punjab Municipalities Act which prescribes the procedure to be followed for the prevention of sale of adulterated articles of food.

Prof. N. G. Ranga: With reference to part (f), why is it then the Honourable Member said that no examination has been made of the quality of milk supplied by the *gowalas*?

Sir Girja Shankar Bajpai: What I said was this:

"Milk was, and still is, supplied by *gowalas*, but Government have no knowledge of the quality of the milk supplied nor of the price charged."

Prof. N. G. Ranga: Why is it that Government have not supplied themselves with information in regard to the quality of milk supplied by the *gowalas* if they have been carrying on any periodical examination of the milk that is supplied by the various agencies?

Sir Girja Shankar Bajpai: My Honourable friend will appreciate the fact that the question whether the milk supplied by *gowalas* is adulterated or not can be ascertained only if some consumer will make a report to the Health Officer. We do not know whether such reports have been made or not.

INSTITUTIONS FOR RESEARCH OF FOOD AND DRUGS.

77. ***Mr. K. S. Gupta:** (a) Will the Secretary for Education, Health and Lands please state how many institutions of Research for Food and Drugs are established in India?

(b) What is the contribution by the Government of India to any of those institutions?

(c) What is the control of the Government of India over such institutions?

(d) Is there any contemplation on the part of the Government of India to extend the scope of such Research to find out the cheapest and the most wholesome food for the poorest in India?

Sir Girja Shankar Bajpai: (a) The Nutrition Research Laboratories, Coonoor, and the Biochemical Standardisation Laboratory, Calcutta, deal exclusively with Food and Drug research, respectively. In addition, there are a number of other institutions, where such research is a part-time activity and carried on with grants-in-aid by the Indian Research Fund Association and the Imperial Council of Agricultural Research.

(b) The Nutrition Research Laboratories at Coonoor are financed by the Indian Research Fund Association which receive an annual grant of Rs. 1,50,000 from the Government of India. In addition, the pay of the Assistant Director of the Laboratories is met by the Central Government. The Biochemical Standardisation Laboratory, Calcutta, is financed in full by the Government of India.

(c) The Biochemical Standardisation Laboratory is a Government institution. The Nutrition Research Laboratories at Coonoor are controlled by the Governing Body of the Indian Research Fund Association on which the Government of India are represented.

(d) The investigations already in progress cover the scope referred to.

Prof. N. G. Ranga: Are Government aware of the fact that the all India Village Industries Association popularly known as A. I. V. A. has been carrying on researches to find out the cheapest and the most wholesome food for the poorest in India without any assistance from the Government of India?

Sir Girja Shankar Bajpai: I do not have any information about the activities of the Association to which my Honourable friend refers.

Prof. N. G. Ranga: Will Government ascertain the nature of research that is being carried on by this Association and find out whether they can assist it either by way of fund or by way of additional scientific research through the various organisations under their control?

Sir Girja Shankar Bajpai: I would suggest that there is nothing to prevent the Association from approaching the Government or the Indian Research Fund Association as the case may be.

Mr. President (The Honourable Sir Abdur Rahim): Mr. Gupta has exhausted his quota of five questions and so question No. 78 will not be answered orally.

INDIAN AGENT IN BURMA.

†78. ***Mr. K. S. Gupta:** (a) Will the Secretary for Education, Health and Lands please state when the Burma Agent of the Government of India took charge of office in Burma?

(b) What is the staff he is provided with?

(c) What is the nature of work he is doing?

(d) Is he submitting any periodical reports about the situation and his work in Burma? Will the reports, if any, be placed on the table?

(e) Is he negotiating with the Government of Burma about the compensation to be awarded for the losses of property and life caused to the Indian nationals in Burma? What is the result?

(f) Is he taking any part in the criminal cases pending against the Burmans for the murders, loot and arson committed in the last Burma riots?

(g) What is the relief and protection given by the Agent to those nationals remaining in Burma after the riots?

Sir Girja Shankar Bajpai: (a) In September, 1938.

(b) One stenographer and two peons for the present.

(c), (f) and (g). The Agent keeps himself in touch with the situation in Burma and his primary duty is to look after the interests of Indians in Burma, particularly of Indian labour. He is not taking part in any criminal proceedings.

(d) The attention of the Honourable Member is invited to the reply to supplementary questions to Mr. T. S. Avinashilingam Chettiar's starred question No. 1377 on the 22nd November, 1938.

(e) The attention of the Honourable Member is invited to the reply given by me to Messrs. Abdul Qaiyum and Avinashilingam Chettiar's starred questions Nos. 1214 and 1228 on the 14th November, 1938.

REPRESENTATION OF INDIA AT THE INTERNATIONAL WHEAT CONFERENCE.

79. ***Mr. Manu Subedar:** (a) Will the Honourable the Commerce Member please state whether India was represented at the meeting of the International Wheat Committee, which met in London in the first week of January? If so, by whom?

(b) Is there a proposal for an International Wheat Conference to be held and, if so, is it intended that India should participate?

(c) Can Government assure this House that no commitments would be made, which would prevent free export from India of wheat as and when the same becomes economically possible?

(d) Have Government got a copy of the agenda of the points which are proposed to be discussed at this conference?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes, by Sir David Meek, Indian Trade Commissioner in London.

(b) The reply to the first portion is in the affirmative. As regards the latter portion, no invitation has so far been received by the Government of India.

(c) Does not arise.

(d) No, Sir.

†Answer to this question laid on the table, the questioner having exhausted his quota

RATE WAR BETWEEN SHIPPING COMPANIES CARRYING HAJ PILGRIMS.

80. *Mr. Manu Subedar: (a) Will the Honourable the Commerce Member please state whether Government are aware that great hardship was experienced by numerous intending Haj pilgrims on account of the sudden rise in the price of tickets over the figures which, they were given to understand, would be charged when they left their country homes, as soon as one of the lines running pilgrim ships closed its season?

(b) Have Government enquired whether a large number of intending Hajis were stranded without the necessary passage and did not get the accommodation?

(c) Have Government received any representation on the subject?

(d) Have Government re-started the negotiations with regard to a settlement on the question of the rate war between the two companies with a view to stable conditions for the pilgrim traffic?

(e) What is the present position in this matter and what steps do Government intend to take to put an end to the difficulties of intending travellers?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (c). Representations were received to this effect.

(b) On the matter being taken up with the steamship company concerned, the company, while not admitting the allegations made, agreed to provide accommodation for such pilgrims at rates not higher than those at which previous bookings had been made.

(d) and (e). I would invite the Honourable Member's attention to the statement made by me on the 8th December, 1938, in reply to questions Nos. 1973, 1974 and 1975 and to the answers to the supplementaries arising therefrom. There have been no further developments.

Mr. Manu Subedar: In view of the interest taken by the Honourable Member in this subject, may I know whether the Honourable Member will use his good offices for negotiations being opened and a settlement arrived at as and when occasion arises?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid the occasion is not likely to arise for some months.

Mr. T. S. Avinashilingam Chettiar: The Honourable Member's reply, if I understood him aright, was that he was helpless in this matter owing to the fact that both the parties were going beyond the agreement which had been reached. May I know whether Government propose to take steps by which when an agreement is reached through the good offices of the Government, it may be made binding and compulsory on both parties.

The Honourable Sir Muhammad Zafrullah Khan: There was a long list of supplementaries on the previous occasion in which I dealt with all aspects of this matter.

12 Noon.

(b) WRITTEN ANSWERS.

PUBLICATION OF THE REPORT OF NON-OFFICIAL ADVISERS OF THE
INDO-BRITISH TRADE AGREEMENT.

81. *Mr. Manu Sukedar: Will the Honourable the Commerce Member please state :

- (a) whether Government have seen an article by Mr. Platt, written on behalf of the Lancashire textile industry, giving a threat to India that, if the terms asked for by Lancashire are not given, Indian cotton would be boycotted;
- (b) whether Government have seen a statement in the papers by one of the non-official advisers refuting this article, saying that the facts were not correct and complaining that the said member was unable, until the ban of secrecy was lifted, to point out what the correct facts were;
- (c) whether Government have considered the question of publishing the reports of the non-official advisers in view of matters considered confidential at this end being freely discussed and disclosed in the United Kingdom; and
- (d) if the reply to part (c) be in the negative, will Government give reasons?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Government have seen press reports to this effect.

(c) and (d). I would invite the Honourable Member's attention to the answers given to Seth Govind Das's question, No. 428, on the 24th August, 1938, and the supplementaries arising therefrom and also to the answers given on the 14th September, 1938, to parts (b) and (c) of Mr. K. Santhanam's question, No. 1014 and the supplementaries.

FALL IN THE PRICES OF COPRA.

82. *Sri K. B. Jinaraja Hegde: Will the Honourable Member for Commerce be pleased to state:

- (a) the price of copra in west coast (Malabar) in the years 1930 to 1938;
- (b) the main causes for the serious fall in prices;
- (c) whether the dumping of copra from Ceylon is not the real cause for the fall in prices;
- (d) whether the Honourable Member has read the address of the Honourable Mr. Yakub Hussain, Public Works Minister of the Government of Madras, at the Coconut Growers' Conference, published in the *Madras Mail* in its issue dated the 5th January, 1939, and its sub-leader thereon; and
- (e) whether Government are prepared to investigate the matter fully and impose protective duty on copra and cocoanut oil, imported from Ceylon and other places; if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) A statement showing the prices of copra at Cochin for the years 1931 to 1938 is laid on the table. Authentic information relating to other markets on the West coast of India is not available.

(b) and (c). The price of copra is affected by various factors and these are being investigated by Government.

(d) Yes, Sir.

(e) I would refer the Honourable Member to the answers given on the 22nd November, 1938, to Mr. Avinashilingam Chettiar's starred question No. 1378 and its supplementaries.

Statement showing the prices of Copra in rupees per candy of 654 lbs. at Cochin.

Year.											Price.
											Rs. A.
1931	.	.	.	.	.	.	.	.	.	.	59 5
1932	.	.	.	.	.	.	.	.	.	.	73 5
1933	.	.	.	.	.	.	.	.	.	.	51 12
1934	.	.	.	.	.	.	.	.	.	.	38 0
1935	.	.	.	.	.	.	.	.	.	.	53 7
1936	.	.	.	.	.	.	.	.	.	.	68 1
1937	.	.	.	.	.	.	.	.	.	.	66 13

1938

January	.	.	.	.	.	.	.	.	.	.	51 0
February	.	.	.	.	.	.	.	.	.	.	44 0
March	.	.	.	.	.	.	.	.	.	.	43 0
April 2	.	.	.	.	.	.	.	.	.	.	40 0
April 9	.	.	.	.	.	.	.	.	.	.	38 0
May	.	.	.	.	.	.	.	.	.	.	42 0
June	.	.	.	.	.	.	.	.	.	.	40 0
July	.	.	.	.	.	.	.	.	.	.	41 0
August	.	.	.	.	.	.	.	.	.	.	43 0
September	.	.	.	.	.	.	.	.	.	.	42 8
October	.	.	.	.	.	.	.	.	.	.	45 0
November	.	.	.	.	.	.	.	.	.	.	45 0
December	.	.	.	.	.	.	.	.	.	.	47 0

PROPOSAL TO HOLD THE FEDERAL COURT IN OOTACAMUND.

83. *Mr. M. Thirumala Rao: (a) Will the Honourable the Law Member please state whether it is a fact that the Judges of the Federal Court propose holding their Court in Ootacamund this summer?

(b) If so, is it necessitated by the volume of work from Madras Province?

The Honourable Sir Nripendra Sircar: (a) The Chief Justice of India informs me that no such proposal has been considered by the Court.

(b) Does not arise.

PROTECTION TO COCOANUT INDUSTRY AGAINST COMPETITION FROM CEYLON.

84. *Mr. M. Thirumala Rao: (a) Will the Honourable the Commerce Member please state whether his attention is drawn to the proceedings of the All-Kerala Coconut Growers' Conference held at Narakal and published in the issue of the *Hindu* of the 6th January, 1939?

(b) Is the Honourable Member aware that dumping of Ceylon produce at low prices has seriously hit the Indian producer?

(c) If so, do Government propose to afford due protection against unfair competition from Ceylon?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes, Sir.

(b) and (c). I would refer the Honourable Member to the answer given by me today to parts (b), (c) and (e) of Sri K. B. Jinaraja Hedge's starred question No. 82.

QUESTIONNAIRE ISSUED BY THE ALL-INDIA NATIONAL PLANNING COMMITTEE.

85. *Mr. M. Thirumala Rao: (a) Will the Honourable the Commerce Member please state whether Government have received a copy of the questionnaire issued by the All-India National Planning Committee organised by the Congress?

(b) If so, have they replied to relevant questions that can be answered by the Government of India?

(c) If the answer to part (b) be in the affirmative, will Government lay on the table of the House a copy of the reply sent by them?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes.

(b) No.

(c) Does not arise.

SIR THOMAS AINSCOUGH'S REMARKS REGARDING INDIA'S INDUSTRIAL POLICY.

86. *Mr. M. Thirumala Rao: (a) Has the attention of the Honourable the Commerce Member been drawn to Reuters summary of the report of Sir Thomas Ainscough, Senior Trade Commissioner in India, published in the *Hindu* dated the 13th January, 1939?

(b) If so, have Government considered the remarks made in that report that India's attempt to become industrially developed will result in serious clash of interest with agricultural interests and a crisis in India's finances?

(c) Do Government propose to align their industrial policy on the basis of these remarks?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes.

(b) No.

(c) Does not arise.

REPORT OF THE INTERNATIONAL WHEAT CONFERENCE.

87. *Mr. M. Thirumala Rao: (a) Will the Honourable the Commerce Member please state whether Government have received a report of the World Wheat Conference which was recently held in London?

(b) Was there any proposal to control crop production by fixing export quotas, which should be binding on those assembled?

- (c) Has India been represented at this Conference?
 (d) Is India's position at the Conference independent of British lead?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Honourable Member is apparently referring to the International Wheat Advisory Committee which met in London last month. If so, the reply is in the affirmative.

- (b) No such question was discussed at the meeting of the Committee.
 (c) and (d). Yes, Sir.

INDIANS IN TANGANYIKA.

87A. *Mr. Manu Subedar: Will the Education Secretary please state whether Government have any information as to:

- (i) the number of Indians who have gone to Tanganyika during the last five years; and
 (ii) the amount of Indian capital sunk there?

Sir Girja Shankar Bajpai: (i) A statement showing the number of Indians and Goans who entered the Tanganyika territory during the years 1933-1937 is placed on the table of the House. Separate figures for Indians are not available.

(ii) The attention of the Honourable Member is invited to the reply given by me on the 17th November, 1938, to part (b) of Mr. Sami Venkatachalam Chetty's starred question No. 1306B.

Statement showing the number of Indians and Goans entering the Tanganyika Territory during the years 1933-1937.

Year.	Number.
1933	654
1934	763
1935	885
1936	1183
1937	1405

MOTION FOR ADJOURNMENT.

ANTI-INDIAN RIOTS IN BURMA.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has received a notice of a motion of adjournment from Sir Abdul Halim Ghuznavi who wants to discuss a definite matter of urgent public importance namely, recrudescence of anti-Indian riots in Burma, looting Indian shops and burning Indian cotton mill at Monywa, and the failure of the Government of India in securing the safety of the life and property of the Indians in Burma. Is there any objection to this motion?

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): No, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The motion will be taken up at 4 O'Clock this afternoon.

RESOLUTION *RE* WITHDRAWAL OF INDIA FROM THE LEAGUE OF NATIONS.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhamminadan Rural): Sir, I beg to move:

"That this Assembly recommends to the Governor General in Council that immediate steps be taken under Article 1 (3) of the Covenant of the League of Nations to give notice of India's intention to withdraw from the League, among others, for the reason that the League has failed to implement the provisions of Article 16 of the Covenant against covenant-breaking members of the League."

The history of the League of Nations is indeed a sorrowful tale. No institution was begun with such great hopes as the League of Nations. It was after the great war, when millions of people had died and millions of others had been maimed that President Wilson gave the hope, in his idealism, that war can be stopped and stopped for all time. It is with that intent that this League of Nations was founded. It begins with these grandiloquent words: "The High Contracting Parties in order to promote international co-operation and to achieve international peace and security", etc. The purpose and the object of the League of Nations was to stop all war and to guarantee collective security in this world. But there has been no greater failure of its purpose than it has been attended within recent years. Even in the year following the establishment of the League of Nations we find that the guarantee of collective security was no easy thing. In 1920 itself there was the matter of deciding the Polish-Lithuanian frontier, and just as a Commission was getting busy about it General Zeligowski of Poland marched into Vilna and seized it. In 1922, another thing happened and that was that Gabriel D'Annunzio made a raid with a private army in defiance of the League and seized Fiume on the Dalmatian coast. In 1923, when the League Assembly was in session there came word that Mussolini, now the leader of Italy, was bombarding Corfu as a reprisal for the killing of two Italian officers by Greeks when they were examining the proposed line of the Greco-Albanian frontier. Even before the League was finally established we find there were States who did not care a bit for the guarantee of collective security but were taking the law into their own hands. The main purpose of the League was collective security and if the members of the League who signed the Covenant of the League of Nations had any sincerity in their professions, the acid test of that sincerity was to be found in their pledge to establish general disarmament on a low scale for national defence. There are people who deny that this pledge of disarmament was ever made, but I would like to read from the Covenant these lines which cover this matter. The words are clear in the Covenant:

"The members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety. The Council shall formulate for such restrictions."

It was also stated formally at the Peace Conference that the "conditions as to German armaments are not solely intended to incapacitate Germany from a renewal of her policy of military aggression. They also constitute the first step towards the reduction and general limitation of armaments as being one of the most effective preventives of war, and one of the first tasks which the League of Nations must strive to perform."

Then, there were these disarmament conferences. They dragged on for three or four or five years. I have seen in this Library the volumes of the proceedings of the disarmament conferences: they are great only in one respect and that is in their bulk. The result was nil. Germany was in the meantime admitted to the League of Nations and she walked out of the League for the reason that all the disarmament that was required was with reference to Germany alone and as regards the other powers that had come out victorious in the war, they were not for any kind of disarmament; and the result was that Germany left the League of Nations in a huff on the plea that they were not sincere in their efforts. The statement which the German delegate made on that occasion is worth reading:

"In the light of the course which recent discussions of the powers concerned have taken in the matter of disarmament, it is now clear that the Disarmament Conference will not fulfil what is its sole object, namely, general disarmament. It is also clear that the failure of the Conference is due solely to the unwillingness on the part of the highly armed states to carry out their contractual obligations to disarm. This renders impossible the satisfaction of Germany's recognised claim to equality of rights and the condition on which the German government agreed at the beginning of this year to take part in the work of the Conference thus no longer exists."

The German delegates left and then Germany started on a rearmament which created new forces in Europe and led step by step to the terrific rearmament programme of Great Britain and of all other nations in Europe today. Today Europe is an armed camp, each country trying to arm itself to the utmost, to the breaking point; and the notions of collective security were in no greater danger than today. I do not wish to refer to the invasion of Abyssinia by Italy because it is recent history and need not be retold, but I would like to read one passage about the effects of this war:

"The poor Negus was all the time pleading with the League of Nations for protection and even while he was pleading the League of Nations allowed Mussolini to transfer all his troops into Abyssinia so that he could fight better the helpless Negus and the Abyssinians. The effect of the war, it is not too much to say, was the complete shattering of all the prestige of the League."

The failure of sanctions against Italy has been the greatest defeat to British diplomacy in current times and has made the League of Nations impotent in the eyes of all aggressive nations.

I shall not refer to what Japan did in Manchuria before this happened in Abyssinia. Next comes the story of Czechoslovakia which is quite fresh in our minds. The League of Nations had guaranteed many things and among them was the security to the smaller states; and when the matter of Czechoslovakia came up we know how well Great Britain and France guaranteed the security of a small State like Czechoslovakia which had depended on them for security and upon the League of Nations; Czechoslovakia had no other support on which to depend against an aggressive State like Germany. I do not wish to repeat here what happened only a few months ago. I would only remark that collective security today is nowhere present in Europe or elsewhere. In my opinion the guarantee of collective security by the League of Nations could never be true for the reason that it never had sanction by which it could have enforced its claim for collective security. It allowed all the member States to arm themselves to the teeth, and when they were so armed the League of Nations had no sanction or strength behind it by which it could maintain collective security. I should

[Mr. T. S. Avinashilingam Chettiar.]

like to read one passage from one of the latest books published on the League of Nations—"Co-operation or Coercion" by L. P. Jacks. He says :

"Collective security in the well-ordered state implies that the citizen remits his quarrels to the jurisdiction of public law. He must 'leave the government to do the fighting', if fighting there is to be done. He is not at liberty to destroy his enemy if he can, nor to threaten him with lethal weapons. Except in cases of emergency, when the arm of the law is not available to protect him, the taking of the law into his own hands is sternly forbidden, and necessarily so if the collective system is to work. The principle of collective resistance by the state is here combined with that of non-resistance by the individual, except in so far as he resists his opponent by handing him over to the law."

No approach to these conditions is visible among the sovereign states now constituting the League of Nations. The tendency is in the opposite direction. While pledged under the terms of the Covenant to combine their forces for mutual protection, they show not the slightest disposition to renounce the right of independent belligerency, but continue to arm themselves without limit, the left hand thus destroying the value of the pledges given by the right. Nothing could be more inconsistent with the conditions under which the rule of law is maintained in the political state. Until the right of independent belligerency in their own defence, with the attendant right of arming at discretion for the purpose is surrendered, the structure of the league will fail to reproduce the structure of any of them."

So, in the absence of any sanction by which the League can enforce its decisions, it is not surprising that it has failed in its purpose. It requires no great intelligence to see that the League has failed today in its main purpose, and it does not require any argument to show that the League does not serve any more the main purpose for which it was founded. It is not, therefore, surprising that we have come forward to move this Resolution. Arguments have been advanced that the League has served other purposes than political. It has been pointed out of the 32 million odd Swiss francs, barely two million francs is spent on purely political work and that nearly 93.2 per cent. of the League finances are expended on non-political and constructive work beneficial for the whole world, including India. It is said that for this reason India should continue to maintain its connection with the League. I would like to put before you another view of the case. If the money spent in the League is spent on non-political matters, it is up to us to know how much of the money that we pay to the League we get the benefit of. It is pointed out that the amount of contribution paid by India to the League has been reduced of late because of the separation of Burma. Today we pay nearly Rs. 10 lakhs to the League annually. May I ask what return we get for this amount? I think a few thousand rupees is paid for an office of the League in India. A few people get employment in the Secretariat of the League in Geneva; over and above that I would like to know whether any effort is being made so that India might get more benefit from the League. As far as I can see India is being tied to the chariot wheels of England and votes for her in the League. Unless India becomes independent she stands to get no benefit from being in the League today, except paying ten lakhs of rupees every year and giving a vote to England. In the present circumstances I do not see any reason why India should be made to pay out of her exchequer a big sum of ten lakhs: in this connection I would like to quote a passage from the speech of the Honourable Sir Nripendra Sircar in the League of Nations when he had been there in the last year along with the Indian delegation. It is indeed not surprising that one like him could have given support to the Resolution that we are moving here today. I will read to the House a few extracts from what he said to

show how he has lent support to this Resolution. He laid on the table of the House a passage from his speech on the 17th November, 1938, and that passage reads as follows:

"A certain section of opinion in India was opposed not merely to Article 16, but to all the other Articles of the Covenant, and that section was gaining ground owing to the rapidly decreasing prestige of the League. The League had been described as a body which could neither punish its enemies nor help its friends. The matter was further complicated by another consideration, not strictly relevant to the interpretation of Article 16. There was in India a strong feeling of grievance about the representation of its nationals in the administration of the League; that factor also has a bearing on India's attitude."

Then, I read his opinion, which is more relevant to the matter under issue before the House:

"If the League could not justify its existence by constructive work towards the end for which it was established, India might lose all interest in Article 16 and every other Article of the Covenant. Personally he was opposed to the secession of India from the League, but he desired to direct attention to the fact that such a measure was a possibility, even a probability, in view of the changes in the constitution of India which were expected to come into effect at no distant date."

I would repeat again, Sir, that "he desired to direct attention to the fact at the secession of India from the League was a possibility, even a probability, in view of the changes in the Constitution of India which were expected to come into effect at no distant date".

Sir, the only difference there will be in the Constitution that is coming, over the present constitution is that the coming constitution may be responsible, while the present one is irresponsible, and the implication is, the moment there is a responsible constitution, limited as it is, India will give notice to secede from the League. That is the meaning of what my friend has said in his speech. Today we have an irresponsible executive; they may not secede from the League, but the moment the future Constitution is ushered in, and the moment the people of this country get responsibility even to the extent to which the Federation under the Government of India Act, 1935, gives it, then to quote the words of my Honourable friend,— 'such a measure would be a possibility, even a probability'. From that speech it is clear that the Government are well aware that the overwhelming public opinion in India is to secede from the League of Nations for no other reason than that the League no more counts in the politics of Europe and world today, and that the money spent on the League today is money wasted, and for this reason we have brought forward this Resolution. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Resolution moved:

"That this Assembly recommends to the Governor General in Council that immediate steps be taken under Article 1 (3) of the Covenant of the League of Nations to give notice of India's intention to withdraw from the League, among others, for the reason that the League has failed to implement the provisions of Article 16 of the Covenant against covenant-breaking members of the League."

Notice has been given of three amendments to this Resolution. The first stands in the name of Mr. Joshi. Will Honourable Members only move their amendments first, and then there will be a discussion on the Resolution and the amendments. Honourable Members have only to move their amendments formally, and then there will be a discussion.

Mr. N. M. Joshi (Nominated Non-official): I move, Sir:

"That for the original Resolution, the following be substituted:

"That this Assembly recommends to the Governor General in Council to convey to the League of Nations India's dissatisfaction that in major political issues it has so far failed to achieve its purpose of bringing about international peace and protecting the interests of smaller nations, to put forward before the League proposals for making it a better and more effective instrument for accomplishing its aims and objects by strengthening the Covenant of the League and otherwise and for India's more effective participation in its work and also recommends to the Government of India to take such steps, as are necessary to secure the acceptance of its proposals by the League'."

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the original Resolution, the following be substituted:

"That this Assembly recommends to the Governor General in Council to convey to the League of Nations India's dissatisfaction that in major political issues it has so far failed to achieve its purpose of bringing about international peace and protecting the interests of smaller nations, to put forward before the League proposals for making it a better and more effective instrument for accomplishing its aims and objects by strengthening the Covenant of the League and otherwise and for India's more effective participation in its work and also recommends to the Government of India to take such steps, as are necessary to secure the acceptance of its proposals by the League'."

Mr. President (The Honourable Sir Abdur Rahim): The next amendment in the list is by Sir Syed Raza Ali. He has given notice of it only yesterday. The Standing Orders require two days notice. This, it appears, has been circulated to all the Honourable Members.

Secretary of the Assembly: It was circulated last evening.

Mr. President (The Honourable Sir Abdur Rahim): Under the circumstances, the Chair is prepared to waive the Standing Order.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Sir, I move:

"(a) That after the words 'Governor General in Council that' the words 'unless the League of Nations agrees to reduce India's contribution to 2,00,000 francs with effect from 1941' be inserted;

(b) that the word 'immediate' occurring in the first line be omitted; and

(c) that all the words occurring after the words 'to withdraw from the League' be omitted."

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"(a) That after the words 'Governor General in Council that' the words 'unless the League of Nations agrees to reduce India's contribution to 2,00,000 francs with effect from 1941' be inserted;

(b) that the word 'immediate' occurring in the first line be omitted; and

(c) that all the words occurring after the words 'to withdraw from the League' be omitted."

Then, there is a third amendment in the name of Mr. Abdul Qaiyum.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, I move:

"That at the end of the Resolution, the following be added:

'and also for the reason that Great Britain has persisted in following an utterly wrong policy with regard to Palestine, in contravention of Article 22 of the Covenant, and in open disregard of the feelings of the Indian Nation in this matter'."

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved :

"That at the end of the Resolution, the following be added :

'and also for the reason that Great Britain has persisted in following an utterly wrong policy with regard to Palestine, in contravention of Article 22 of the Covenant, and in open disregard of the feelings of the Indian Nation in this matter'."

Now, there will be a discussion on the Resolution as well as on the amendments.

Mr. N. M. Joshi: Sir, I share the dissatisfaction which my friend Mr. Avinashilingam Chettiar, has expressed with the constitution of the League of Nations and with the work done by that organization. But, Sir, because I am dissatisfied with the work of the League of Nations, I am not prepared to ask the country to leave that organization. I feel, Sir, the remedy to secure the removal of dissatisfaction is not to walk away, but I feel that there are other remedies for securing the removal of our dissatisfaction. It is with that intention that I move my amendment.

There are two points of view from which this subject can be discussed and should be discussed. The first is the general utility of the League, its constitution, and the work done by it in order to achieve its object of establishing international co-operation and international peace. Secondly, we must also consider India's position and India's relation with the League of Nations and India's participation in the work of that organisation. Taking the first point, I would deal very briefly with the constitution of the League of Nations and then I shall deal with the work done by the League of Nations. I agree again with my Honourable friend, Mr. Avinashilingam Chettiar, that the constitution of the League of Nations is defective. In the first place, the constitution of the League of Nations is unnecessarily connected with the terms of the Treaty of Versailles. There should have been really no connection between the two, and I am glad to find that this question has been taken up by the League itself. Proposals are being framed in order that the Treaty of Versailles and the League of Nations may be separated altogether. I also agree with the view which was read by my Honourable friend, Mr. Chettiar, that the League does not provide effective sanctions. If the decisions of the League are to be enforced, it is necessary for the League to be provided with an armed force, especially an armed air force in order that it should have the power to coerce recalcitrant members. I have no doubt that in course of time the League will be given that power. I admit that there are other defects in the constitution of the League. The members of the League do not bind themselves to accept arbitration in political issues. This question has been discussed also in the League of Nations. It was Mr. Arthur Henderson, on behalf of the Labour Party in Great Britain, who tried his very best to get the members of the League to bind themselves to accept arbitration in all political issues. Sir, the nations of the world are not still willing to part with even a little of their sovereignty, that is the stumbling block in the way of the success of the League. I feel that a time will come when the nations of the world will be willing to part with at least some of their sovereignty in order that international co-operation can be established and there may be universal peace in the world. As the constitution of the League is defective it is our duty to make efforts to change that constitution.

Mr. S. Satyamurti (Madras City : Non-Muhammadian Urban): Who are you?

Mr. N. M. Joshi: My Honourable friend, Mr. Satyamurti, says, who are you? I say, who are you to withdraw from the League of Nations? Unfortunately, the efforts that are made at present to secure changes in the constitution are in the contrary direction. Great Britain and several other countries are trying to weaken the League of Nations by taking away from that organisation some of the sanctions which that organisation possesses. I again share the views of my Honourable friend, Mr. Chettiar, that the record of the League of Nations in big political issues is very poor. We must admit that in spite of the League Japan has been able to swallow Manchuria, Italy has swallowed Abyssinia and the League only made half-hearted attempts to prevent that being done. Austria has been swallowed and part of Czecho-Slovakia has been swallowed. The League has not been able to help Spain, it could not render much help to China. I admit that these are great failures of the League. We naturally mark the failures of the League, but even in political sphere, in small matters may be, it has rendered great service to the world. The League, I have no doubt, in solving those smaller matters, has avoided at least smaller wars and our thanks are due to that organisation for that work. I again admit that the League of Nations has failed to secure disarmament in the world.

When we speak of the work of the League of Nations, it is not the political work alone which we should consider. Mr. Chettiar has admitted that besides political work the League does work in both economic and social sphere. The League has as a subsidiary body the International Labour Office. There is also an organisation for intellectual co-operation, they have a big organisation which has done very good work so far as regards public health. The League has done something to bring about better international communications. They have done some work for ameliorating the conditions of women and children. They have done great work in relieving the sufferings of refugees. Besides these, the League of Nations has done very useful work in collecting information on economic, social and even political matters. The mere collection of this information is of great use. Besides that, the existence of the League of Nations for a fairly long period has brought into existence a body of international public servants. It is not an easy thing for individuals to feel internationally and to act internationally. The League of Nations and the bodies working with it, like the International Labour Organisation, the Intellectual Co-operation and other organisations, have brought into existence a body of persons who feel internationally and who act internationally. I feel that this is a very useful thing which the League of Nations has done. If the League of Nations has failed in political matters—and I do not admit that it has failed in all political matters, but still it is admitted on all hands that it has done very useful work in both the economic and social sphere. Why should we withdraw from the League of Nations? Do we not want that Indian labour should benefit from the International Labour Organisation? Do we not want that the public health organisation of our country should benefit from the experience of the League of Nations? If we want economic benefits from the League, if we want social benefits from the League, why should we not co-operate with the League of Nations, why should we withdraw from the League of Nations? My Honourable friend Mr. Chettiar has pointed out several objections for our remaining in the League of Nations. It is true

that Abyssinia has suffered. It is true that China has not been helped. It is true that Spain has not been helped. But has Spain withdrawn from the League of Nations, or has China withdrawn from the League of Nations? China and Spain still cling to the League of Nations and try to get out of it whatever little help it could render. And why should we leave the League of Nations? Moreover, if the League of Nations is not successful, is it the fault of that organisation, or is it the fault of the members of that organisation? We, as a member of the League of Nations, are equally responsible for the failure of the League of Nations.

An Honourable Member: Not at all.

Mr. N. M. Joshi: I shall come to that point. It is not, therefore, that the organisation is a bad organisation. There are some members of the League who are apathetic to its work, who are not sufficiently sympathetic and the failure of the League of Nations is due to that fact and not to the idea underlying that organisation. If, therefore, the League of Nations is to be successful, it can be made successful by all the members of the League trying towards its success including India. What have we done? India is a member of the League of Nations. My friend, Mr. Chettiar, and the great Party which he represents have been in this Legislature for more than three years. May I ask what they have done to improve the League of Nations? I could have understood my Honourable friend and his Party if they had brought forward a Resolution pointing out to the Government of India what changes should be made in the constitution of the League of Nations. (Interruptions.) If these gentlemen will obstruct me and not allow me to speak, that only shows that their arguments are weak and the course they are following is wrong. I ask again what have they done? Instead of pointing out to the Government of India what should be done to make the League successful, they bring forward a Resolution saying that we must walk away from the League. It may be said that these gentlemen are engaged in the national struggle and therefore they are apathetic to the League, except to say that we should walk out of the League. Our very membership of the League is a recognition of the fact that India is a self-governing nation. If at any time India ceases to be a self-governing nation, that question will be a question of international interest. Moreover, our membership of the League of Nations enables us to discuss foreign questions. Why don't the members of the Congress Party insist upon the Government of India placing the report of its delegation before the House for open and free discussion? May I ask if the League of Nations is unsatisfactory, are there not other organisations which are unsatisfactory and which we are still using? May I ask the Congress Party whether they consider the constitution of the Legislative Assembly to be satisfactory and if it is not, why do they work in this organisation?

An Honourable Member: Wait and see.

Mr. N. M. Joshi: I have waited and seen for a long time. So, if we are not leaving the Legislative Assembly, why should we leave the League of Nations. The Government of India can do many things in order to see that its participation in the League of Nations is more effective. It can place the report of the delegation before the Legislature for discussion. Then, the Secretary of State must cease to interfere in the relationship between India and the League. Whatever relations we may have to maintain should be through the High Commissioner for India. Then the Government of

[Mr. N. M. Joshi.]

India are themselves lowering the status of India by refusing to allow the Commerce Member to sign treaties with other countries of the world. The delegation of the Government of India headed by Sir Muhammad Habibullah had made certain recommendations. The first recommendation was that the Government of India should set up a committee of the Legislature to consider the attitude of India towards the work of the League of Nations. The Government of India should immediately set up a committee and allow that committee to consider what India's attitude should be towards the questions included in the agenda of the League and the brief given to the delegates should be the brief prepared by this committee. Then, Sir, India must secure membership of the Council of the League. Then again I agree with my Honourable friend that there are very few Indians on the staff of the League—hardly any one in a high position. The Government of India should insist that there should be a sufficient number of Indians on the staff of the League of Nations and some of them in high positions. It is our right to insist that the whole of the Indian delegation to the League should consist of Indians and there should not be even one Britisher in the delegation. India's position in the international world is misunderstood on account of the fact that several Britishers find a place in the Indian delegation.

There is only one point more which I wish to mention before I sit down. The Government of India, in order to secure changes in the constitution of the League and to secure that its work is successful should take immediate steps to set up a committee and that committee should make a report as to what changes should be made in the constitution of the League and the proposal made by that committee should be sent to the League of Nations. Then there is the amendment put forward by Sir Syed Raza Ali that the contribution should be reduced. If the League of Nations does not accept our proposals, let us then make the proposal that in the eyes of the Indian nation the usefulness of the League of Nations is much reduced and, therefore, the contribution made by India should also be reduced. The Congress Party is no doubt very fortunate in bringing forward this motion at this moment when the League is in a very bad way. Those of us who believe in the brotherhood of man and the citizenship of the world expected and thought that with the establishment of the League of Nations a new era would begin. But, unfortunately, disappointments have come to us. But simply because there are disappointments we must not get into despair. If we have faith that universal brotherhood can be achieved and that citizenship of the world can be established, then in spite of disappointment, we must redouble our efforts to bring about international co-operation with the help of the League of Nations. I hope the House will not accept the Resolution moved by the Congress Party but will accept the amendment moved by me.

Sir Syed Raza Ali: Sir, the Resolution as sought to be amended by me would read as follows :

"That this Assembly recommends to the Governor General in Council that unless the League of Nations agrees to reduce India's contribution to 2,00,000 francs with effect from 1941, steps be taken under Article 1 (3) of the Covenant of the League of Nations to give notice of India's intention to withdraw from the League."

The difference between the Resolution moved by Mr. Chettiar and me seems to me to be more than one of mere outlook. It seems to be, if

I may be excused the use of the word, somewhat fundamental. The Congress School of thought, if I understand the position correctly, does not care for the international position of India.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadar Rural) : You are utterly wrong.

Sir Syed Raza Ali : I am very glad to hear that. If it was seriously meant, nobody would be better pleased than myself, but I seriously doubt it.

Sir, the position really is this. Let me assure my Honourable friends, if any assurance was necessary, that I quite appreciate their position. Today is not the first time I have met my Congress friends. I have been in close association with them for a very long time, may I say almost a lifetime. Their point of view is this. Today we are powerless in our own country. India is not the mistress of her own destinies. Therefore, there is no use taking part in activities of bodies where India's voice does not count and where India's mind is made up by others for herself. Their viewpoint seems to be, on this question, this: "let us go out of the League. If and when we come into our own, if and when India becomes the mistress of her own destiny, it would be time for us then to re-join the League." I believe that is their position. So I do not think my friends were quite right in expressing strong dissent from me.

Now, my position, on the other hand, is this,—that, no doubt, it is most sad, it is most unfortunate that we are not masters of our own destiny in our own country. Every section of Indian population is doing all it can to hasten the day when the control of our policy will be in our own hands. But then, along with that, there is what I call the international position of India, big or small. Sir, till the day comes when we are in full control of our destiny, I for one would be for co-operating with those bodies outside India. This would enable us to be in touch with the viewpoint of other countries of the world. India's position no doubt suffers very very greatly from the fact that our voice is not heard on important and essential matters very often. But I assure my friends that it would be a mistake to go out of the League, not really because the League is such a useless body as it was painted to be by the Honourable the Mover of the Resolution, but because we have not that measure of power in our own country which we ought to have. Sir, the sentiment is one which I entirely appreciate and which I quite admire but I do not think it is the right attitude to adopt. One cannot afford to cut one's nose to spite one's face if I may say so. This, according to me, would be very much the position if this Resolution was adopted by this House and brought into force ultimately.

May I very briefly say that I happen to know a little about the activities of the League of Nations. It is true that the position that the representatives of India occupy at Geneva is, unfortunately, a subordinate position; it is a position with which no self-respecting Indian can be happy. It is a position which is a source of not only inconvenience but of unhappiness to those Indians who represent the Government of India at the League of Nations. But I was entirely unable to follow the logic of the Honourable Mr. Chettiar. He gave a number of instances and dwelt on the policy recently followed by Germany, Japan and Italy. Sir, it is quite true that Germany, Japan and Italy are no longer members of the League of Nations but what is the cause? Has the Honourable the Mover ever put that question to himself? Germany went out of the League because

[Sir Syed Raza Ali.]

Germany wanted to embark upon a course of what in the eye of the civilized world is aggression.

An Honourable Member: No.

Sir Syed Raza Ali: I am surprised to know that that is not aggression, that it is something else, and it seems that that attitude commends itself to some of our Honourable friends. Be that as it may, Italy went out of the League in order to attack Abyssinia; in fact she did so after she had attacked Abyssinia. Then Japan went out of the League because it had aggressive intentions against China which intentions she has since carried into effect. I ask my Honourable friends on the Congress Benches what aggressive action they propose to take, and against which country?

Mr. M. Asaf Ali (Delhi: General): We want to stop aggression by Great Britain against India.

Sir Syed Raza Ali: And, therefore, we want to go out of the League?

Mr. M. Asaf Ali: Undoubtedly.

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): Sir, my Honourable friend should not be interrupted, as he is making his maiden speech.

Sir Syed Raza Ali: I assure my friend that I am quite capable of taking care of myself. Sir, the logic that has been just interjected is a most strange logic, but we are not surprised. We often see that kind of logic used from some of our friends over there. I will not say more. Now, if really India's idea is not to embark on any course of aggression, which power India simply cannot exercise even if she wanted to, I entirely fail to see why India should give notice of withdrawal because the League has failed to maintain the cause of peace in the world. If I remember correctly, today at least as many as 58 States are members of the League of Nations.

Mr. M. Asaf Ali: I am afraid you are wrong. It used to be 53; there are only 49 left now.

Sir Syed Raza Ali: I will accept my Honourable friend's figure. Let it be fortynine, but in what way is India differently situated from the remaining fortyeight countries which are members of the League which would justify her going out? It seems to me that the position of India is on a par with the position occupied by the remaining fortyeight countries according to the figure given to me by my learned friend.

An Honourable Member: We are a poor country.

Sir Syed Raza Ali: I am very thankful for this interjection. I come to my point. We are a poor country, there is no doubt. Now the position today is this. From the official list I find that India is the fourth largest contributor to the finances of the League. First comes, according to the figures I have got, Great Britain, then Soviet Russia, then France, immediately followed by India which makes a contribution of over a million of francs per year to the League. Sir, we are a poor country—there is no doubt about that. Further, though we have participated in the benefits arising from the activities of the League, there is no doubt in my mind

that owing to the peculiar political condition of India we have not been able to take the fullest advantage from the League's activities. I should not be understood to attach any undue importance to being elected by the Assembly or the Council to certain important positions which count in the eyes of the civilized world. Still, take the case of the Council of the League. There are a number of non-permanent members of the League. In spite of our huge population, in spite of the large contribution that we make to the League, never has a non-permanent seat been assigned to India.

Again, take the International Court of Justice. Judges from other countries have been elected as members of this Court but never has an Indian been honoured by being elected as a Judge of that Court. Then again, take the Secretariat office or the International Labour Bureau. There are very few Indians who occupy any positions of trust and responsibility there. I must admit that the matter is not of very great importance but at the same time it is a matter of which due cognizance should be taken. So, in all these matters India's grievances are real and just. What really surprises one is that there is a very large disparity between the huge contribution made by India and the advantages secured by her by being a member of the League. Lately India's contribution has been slightly reduced. That, however, does not matter much. India's contribution yet amounts to a very large sum. I would, therefore, suggest that we should make it quite clear to the League that it is impossible for us to pay a sum of over a million francs every year and that our contribution should not stand at a higher figure than 200,000 francs. If the League is agreeable to this suggestion, I, for one, would be strongly for India continuing to be a member of the League till such time as India becomes a fully self-governing country. But if the League has any hesitation in accepting our proposal or it objects to entertaining this proposal, I would have no hesitation in giving notice of India ceasing to be a member of the League. After all, the advantages that we receive from the League of Nations, some of which have been described by my Honourable friend, Mr. Joshi, are of some value. Let it be quite clear that I do not attach undue importance to the advantages that we are receiving from the League of Nations today. Still, those advantages are of some value. That being so, there is no reason why we should sever our connection with the League. As was interjected by my friend, Mr. Manu Subedar, the question is a financial question and I entirely agree with that view. If we were to turn into money the value of the advantages rendered to us by the League, I think 200,000 francs would not be an unduly large contribution for India to make. Therefore, I submit that it is of the highest importance that India's connection with the International organisations of the world should continue. Sir, I have represented my country in South Africa. I was there for three years. I know what value is attached by other countries to India being a member of such organisations. I have a suspicion at the back of my mind that the Congress people do not attach much importance to India being represented on these International bodies. There, I must say, I differ from them. I think it is of very great importance, having regard especially to the political changes that are going to take place in India, that we should not be, what is known in our language, a 'frog of the well'. We should put ourselves in touch with world-wide activities of all enlightened nations.

Mr. M. Asaf Ali: What happened to Abyssinia and China?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not take notice of these interruptions.

Sir Syed Raza Ali: I will allow myself only to reply to the last interjection and then, Sir, I shall have finished. I am asked what has happened to China and Abyssinia? I entirely fail to see what this has got to do with India's presence in the League of Nations. But I can tell my friend what has happened to China and Abyssinia. They became the victims of aggression and they suffered the greatest suffering in the world. If India pursues the dreams that some of my friends are dreaming, she might also become a similar victim in course of time. Her fate might be no better than the fate of China and Abyssinia. But as long as we continue to be in the British Commonwealth of Nations as I prefer to call it instead of the British Empire, there is no reason why we should fear that the fate of Abyssinia or China is going to overtake us. Sir, I move.

Mr. Abdul Qaiyum: Sir, I have listened carefully to the speech of the Honourable Member, Sir Syed Raza Ali, and he said that the Congress Party did not attach sufficient importance to the League. We are very anxious to be represented at international gatherings, but by men of our own choice and not by men who go there in the capacity of bondsmen or henchmen of an alien nation who prefer to do the bidding of their masters. So far we have been denied the privilege of sending our own men

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to move his amendment.

Mr. Abdul Qaiyum: I have already done so. I am now speaking both on the original motion and the amendment.

We have been denied the privilege which is enjoyed by other States which happen to be Members of the League of Nations, namely, of being represented by nationals of their own choice. That privilege has been denied to India which is also a Member of the League. Therefore, it is not a matter for surprise that we are not very anxious to be represented at such gatherings in an inferior capacity. My Honourable friend, Mr. Joshi, admitted in the course of his speech that the League was a very defective organisation and that it was thoroughly rotten.

Mr. N. M. Joshi: This Assembly is a defective organisation and still we are Members.

Mr. Abdul Qaiyum: We are not here by nomination. We do represent certain people here.

Mr. N. M. Joshi: The worse thing is that you are by election to misrepresent the country and the people.

Mr. Abdul Qaiyum: The Honourable Mr. Joshi has admitted that the League is thoroughly rotten and still he wants us to continue and improve it. This is an argument which does not need any refutation. I respectfully submit to the House that this is not a question of francs or roubles as has been attempted to be made out by my Honourable friend, Sir Syed Raza Ali. There are questions of national principles involved. There are

questions of national self-respect involved in this. Are we to continue to be Members of a League in an inferior capacity, to do what Great Britain wants us to do? I must remind my Honourable friend, Sir Syed Raza Ali, that Abyssinia was an independent State and that Haile Saliessie was the Emperor of an independent State. He put his faith in the League of Nations only to be disillusioned, only to be torn to pieces by the vultures of Rome, and to be reduced to the position of a subject State. How can this League of Nations be of any earthly use to India which is not even a free nation. If free nations can meet with the fate of China, with the fate of Abyssinia, with the fate of Czecho-Slovakia and with the fate of Manchuko, what earthly good can this League of Nations do to a subject nation like India?

Now, Sir, I come to the subject of my amendment which is thoroughly in consonance with the principles embodied in the original Resolution. Here I would like to read a short extract from Article 22 of the Covenant which shows how the great principles enunciated at the time when the Covenant of the League was brought into existence, have been flouted by Great Britain in their application to Palestine. Now, Sir, Article 22 of the Covenant reads :

"To those colonies and territories which as a consequence of the late War have ceased to be under the sovereignty of the States which formerly governed them. . . . there should be applied the principle that the well being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this covenant."

Then, the system of mandates was brought into existence. Then, sub-clause (4) of Article 22 reads :

"Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory."

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech after Lunch. The House stands adjourned till Half Past Two.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Mr. Abdul Qaiyum: Sir, I was trying to make out that all the principles laid down in Article 22 of the Covenant have been violated time and again by Great Britain, the mandatory on behalf of the League of Nations. If we turn to the history of Palestine we find that for about 90 to 100 years in the 12th and 13th centuries the Crusaders waged a series of wars against the local inhabitants. They were fired with religious zeal which is an understandable thing, and even the Crusaders in those dark Middle Ages never attempted to do what is being attempted by Great Britain at the present day, namely, annihilation of the Arab race. Great Britain went there ostensibly to set them on their feet, to turn them into an independent nation, but what has happened is the reverse. A number of Commissions have been appointed to report and to suggest solutions for this vexed problem of Palestine. After every rising a Commission has been appointed

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by Great Britain. There was the well-known Peel Commission which has been followed by another Commission, and they have all suggested that Palestine should be partitioned into three States, a purely Arab State of the south-east, the Jewish State of the north-west, and an area around Jerusalem which will remain permanently under Great Britain as a mandated territory. Now all these schemes of partition have been very rightly and very stubbornly resisted by the Arabs, because this is an attempt at vivisection of a nation which is alive. When the war was on, Great Britain sent a number of emissaries to these people. The high-sounding principles of self-determination were trumpeted in front of the Arabs. Lawrence of Arabia, followed by a number of gentlemen similarly qualified, were sent to that country with the result that they brought about a rising of the Arabs and weaned them from their allegiance to the Turkish State. But when the war was over those promises were all forgotten, and instead it was openly declared that Palestine would henceforward become a national home for the Jews, and a Jewish State for all intents and purposes. In this there is a warning for all of us who believe in the promises of Great Britain. What happened in the case of the Arabs who put their faith in these promises? They have been disillusioned, and that is a lesson for people similarly inclined in other parts of the world who may care to put their faith in British promises. Now what is it that has induced Great Britain to change its policy? Surely it is not love for the Jews. Great Britain wants the passage to India to be safe in her hands. She realises that powerful totalitarian States, like Italy and Germany, have sprung up. She realises that her means of communications in the Mediterranean are in danger. Therefore she wants a safe naval base in the eastern Mediterranean. It is for these purposes that Palestine is being converted into a Jewish State, so that the pro-British element whose very presence and existence will depend on the British bayonets, and who will for ever be faithful to the British connection, should be introduced into that country. Palestine has got great possibilities; it is the terminus of the oil pipe line from Iraq to Haifa. It is a country through which all the eastern air routes traverse, and it has assumed tremendous importance since the rise of Italy. It is not love of the Jews, but with a view to perpetually keeping this country mainly for their own interest that Great Britain is prepared to try an experiment which is unprecedented in the history of the world, namely, the utter ruin and annihilation of the Arab race. This is what the British policy in Palestine means.

Now turn to Article 22 of the Covenant, and you will realise that the practice is absolutely at variance with the professions and high-sounding principles which were laid down in the Covenant of the League of Nations. What is the present position? We are told that the League of Nations in spite of so many difficulties is worth keeping. The nation which really brought the League of Nations into existence is outside the League,—I refer to the democracy of the United States of America. It was the initiative of President Wilson that brought the League of Nations into existence, and, when he realised that the League of Nations was merely a continuation of the Supreme Allied War Council, when he realised that it was being based on the principle of self-determination and not on the principles of equality and liberty, that it was being based on the blood and iron of the treaty of Versailles which brought a number of iniquities into this already harassed world and aimed at perpetuating those iniquities by

this League of Nations, that President Wilson withdrew from the League. Not only that; a number of other powerful States have seceded from the League. Italy is out of the League, and so are Brazil, Japan and Germany. It may be that there are different reasons, but still what is the use of having this League which is utterly powerless to prevent an attack from Japan on the great country called China which contains about a third of the human race? What is the use of being members of a society of nations which was absolutely powerless to protect Abyssinia from the onslaughts of the hosts of Rome? What did the League do? They have accepted in the case of Manchuko the Japanese thesis that it was not even a war but was merely a punitive measure; and in the case of Italy they kept on fiddling while Abyssinia was burning. They waited for two years and when Italy had accomplished its conquest they had the audacity to call off the half-hearted measures, namely, the sanctions which they had imposed against Italy. Then, more recently, we have seen the annihilation of Austria and also the dismemberment of Czecho-Slovakia—which was the creation of the League of Nations. The League was absolutely powerless to prevent its disruption at the hands of Germany. Now we are told that there are a number of good things which the League has done, namely, it has stopped drug traffic, prevented the spread of mosquitoes, and so on. But what are these things? Are these any major issues?

An Honourable Member: They have saved human life.

Mr. Abdul Qaiyum: But what did it do in the case of Abyssinia and Palestine? Sir, coming to Palestine, what have the British Government done? The request of Mr. Jinnah, the Leader of the Muslim League Party, that India should be represented at the World Palestine Conference now going on in England, and to which delegates from all parts of the world have been invited, has not even evoked a response from the British Prime Minister. This is the way in which a very reasonable request made by a responsible statesman, has been treated by the British Prime Minister. Great Britain must know that she cannot play with fire as she has been doing so long. I want to warn the British Government through their agents who are sitting here that their policy in Palestine has created a deep wound in the Muslim world which is not likely to heal. And I for one am convinced that the end of the British Empire will result from this very policy which is being pursued in Palestine by Great Britain. I think any civilised nation should be ashamed of the policy which Britain is pursuing,—shooting down innocent people, wiping out houses and bombing from the air.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has got one minute more.

Mr. Abdul Qaiyum: Last but not least, I turn to the question of my own province and the neighbouring tribal areas. The League of Nations has been talking of stopping bombing by international action. What have the representatives of India done in the League of Nations throughout these long years, to stop bombing on the frontier? Even the other day it appeared in the papers that bombing was going on. On the 26th December I was in Kohat and I listened to a tale of woe from a number of people who had been to Waziristan and they told me that a number of villages had been wiped out by bombing which had been recently resorted

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to. I had no reason to doubt or disbelieve what I was told. All questions and resolutions about bombing are being disallowed in this House, and it is sought to be proved to the rest of the world that nothing is wrong with the tribal areas in the North-West Frontier Province

Mr. N. M. Joshi: You are still a Member of the Assembly.

Mr. Abdul Qaiyum: I will remain for some time. I am here at the sufferance of my electorate. My submission is that the League of Nations is a thoroughly unsatisfactory body. It has proved to be absolutely powerless time and again when there were occasions for the exercise of its powers to bring the transgressors to justice. What is the use of being a member of this League? I, therefore, warmly support the resolution and the amendment and I request the House to vote in such a way that this Government should be forced immediately to send a notice to the League of Nations severing our connection with that body which is absolutely useless.

Mr. G. H. Spence (Secretary: Legislative Department): Sir, I hope that it may be of some slight convenience to Honourable Members if I endeavour at this early stage in the debate to indicate very briefly the attitude of the Government on some of the issues before the House. I will take first the amendment moved by the Honourable Sir Syed Raza Ali. I do not propose to weary the House by taking it through the whole history of the question of India's contribution; but for an appreciation of this amendment it is necessary to bear in mind what exactly the present position is. The existing scale is in force for the years 1937, 1938 and 1939. The League has appointed a new allocation committee which will shortly meet and which will present its report to the Assembly of the League of 1939, and a new scale will then be brought into force from 1940. The reference, therefore, in the amendment to a reduction with effect from 1941 is not particularly apposite. What will happen will be that the allocation committee will consider the whole question on its merits and will deal with all representations submitted on behalf of any particular member of the League. I may interpolate here that the Government of India, in redemption of their pledge to take such steps as lie in their power to secure a further substantial reduction of the contribution, have already prepared a memorandum for submission to the allocation committee, and I think the House will be interested to hear that India is one of the twelve members of the League represented on that committee. There is not the slightest reason to suppose that India will get anything but a fair deal and Government hope that India may secure a reasonably substantial further reduction. But turning to the more important aspect of Sir Syed Raza Ali's amendment, I must point out that a reduction to the figure named by him—200,000 francs—is simply not within the sphere of practical politics at all. I should explain that the League does not determine the contributions of members in terms of francs. The contributions are determined in terms of units and the amount in francs is arrived at by calculating the appropriate fraction of the total budget for a particular year. Thus, with India assessed as she now is at 49 units out of a total of 917, she pays in terms of francs $49/917$ ths of the amount of the total budget for the year.

For the current year the result of this calculation is that India pays 1,218,000 odd gold francs, equivalent to 1,542,500 odd Swiss francs . . .

An Honourable Member: What is it in Indian money?

Mr. G. H. Spence: That has been stated dozens of times—it is a little under Rs. 10 lakhs. In terms of the current year's budget the unit is equivalent to 24,858 gold francs and to 31,479 Swiss francs. Thus a reduction of the franc value of India's contribution to 200,000 francs would mean a reduction in terms of units, if the Honourable Member has gold francs in view, to eight, and if he has Swiss francs in view, to something under seven. . . .

An Honourable Member: What about rupees?

Mr. G. H. Spence: I am speaking in terms of francs because the amendment is expressed in terms of francs. A reduction to seven or eight units of the assessment of a country which is now assessed at 49 units, and which was assessed as recently as 1936 at 56 units, is manifestly not within the sphere of practical politics. . . .

Mr. Sri Prakasa: The League itself is not practical politics.

Mr. G. H. Spence: And a recommendation to Government to give notice of termination of membership unless the League agrees to the reduction mentioned in the amendment does not differ in substantial effect from the unqualified recommendation for immediate withdrawal embodied in the original Resolution.

Turning to the original Resolution, the view of the Government is that the House will make a great mistake if it carries it. Government of course admit that more particularly in recent years the League has not proved an effective instrument for the achievement of international peace and security; but at the same time they maintain that to make this a ground for leaving the League is to ignore vital considerations. In the first place, even as things stand today, League membership is emphatically worthwhile if only by reason of the League's technical and humanitarian work in which India has actively participated and from which India and the world at large have derived great benefit. In the second place, the ineffectiveness of the League for the time being on the political side is not due to any inherent defect in the conception of the League but to existing world conditions, and, in particular, to the fact that Germany, Italy, Japan and the United States are outside the League. Conditions in these respects may change and the League may once more attain a nearer approach to universality and therewith the capacity more effectively to achieve its primary object. Should this consummation be realised it will manifestly be of the utmost advantage to have in being an organisation with the widest possible membership, and if only for this reason a member State which believes in the League ideal, as I am sure India does, should not lend the weight of her example to a policy of withdrawal but should retain her membership unimpaired and thus ensure that she will be in a position to play her part in the more effective activities of a resuscitated League. Apart from that I do venture to submit in all earnestness to Honourable Members opposite that from the point of view of the individual advantage of India, there is absolutely no doubt whatever that her membership of the League has given India an international status. . . .

An Honourable Member: Question.

Mr. G. H. Spence: Which she would not otherwise have secured and which she should be loath to abandon.

That brings me, Sir, to the argument used by more than one previous speaker to the effect that India gets no material return commensurate with the cost of her membership of the League. Well, Sir, on that I would submit that the argument proceeds on an entirely faulty conception of what India or any other country is in the League for; you are not in the League in the hope of getting something material out of it. You are in the League to play your part in a great international organization. In the nature of things, an international organization has got to be financed, in the nature of things it must be financed by contributions from members, and in the nature of things the material benefits measurable in money which accrue to an individual member cannot be equivalent to the money contribution made by that member. . . .

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Is it in the nature of things that small nations should be sold like that?

Mr. G. H. Spence: Then, Sir, there was another point mentioned though no very great stress was laid on it, and I don't propose to lay much stress on it. References were made to the paucity of Indian representation in the League Secretariat. That is a matter which Government have always borne in mind, and they are exceedingly anxious to secure greater representation, more particularly to secure some representation in the really high appointments in the League Secretariat. But at the same time the existing position is not so bad as is commonly represented. India at the present moment has in the League Secretariat, apart from two temporary collaborators, four permanent employees, and four permanent employees in the International Labour Office. Of the eight permanent employees, six are in the higher ranks, that is to say, ranks which receive a salary of above 12,000 francs. Ranks drawing salaries below that figure are to a large extent recruited locally in Switzerland. If you want to see what India's comparative position is, you have got to ignore the lower ranks in the League and look to the higher ranks, and if you do that, you will find that India's position does not really compare by any means unfavourably with that of most other countries, and if Honourable Members are curious to pursue the point, they can refer to detailed figures compiled in 1936, which still give a more or less correct picture of the general position. The figures were laid on the table in reply to a question asked by Mr. Satyamurti in 1936. Apart from the representation of India in the Secretariats at Geneva, we have got to remember that India is one of the very few countries in which the League maintains a branch office both of the League Secretariat itself and of the International Labour Office. However, I do not think this is a very vital element in the questions under consideration.

Well, Sir, with the amendment of Mr. Joshi, in principle, Government find themselves in, at all events, very much closer agreement than with the original Resolution. . . .

Mr. S. Satyamurti: No wonder.

Mr. G. H. Spence: But in honesty they are bound to admit that they think that the Governor General in Council would have a very heavy task placed upon him if the amended Resolution were carried. None the less, it would, in the view of Government, be. . .

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has got only one minute more.

Mr. G. H. Spence: Well, Sir, as my time limit is up, I will say no more, but if any Member who desires to know in greater detail what my views on this matter are, I would ask them to study the speech which I made in 1936 in the Council of State, where I was not subject to the 15 minutes time limit.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I am as much an internationalist as a nationalist. It is, therefore, with a very heavy heart that I rise to support the original Resolution, and I do so on three grounds.

In the first place, in my opinion the League has failed to attain most of the objects for which it was established. I do frankly admit that, on the economic side, the League has done very good work; but it is really a semi-independent organization of the League, namely, the International Labour Office, which has done this work. A great deal of labour legislation has been promoted in this country to ameliorate the conditions of labourers, and for this we all ought to feel grateful. But it does not follow that while we participate in the benefits of the International Labour Conference and the International Labour Office, we should continue to be a member of the League of Nations. The United States of America participates in the International Labour Conferences and takes advantage of the existence of the International Labour Office, but it is not a member of the League of Nations. My friend, Mr. Joshi, is afraid that if we cut ourselves adrift from the League of Nations, the interests of labour will suffer. He need not have any apprehensions on that score. . . .

Mr. N. M. Joshi: I know the constitution.

Dr. P. N. Banerjea: You know the constitution, but from your speech I understood that you were afraid that India would suffer. However, the League has also done a considerable amount of useful work in regard to questions relating to education, sanitation, and public health. Its activities in these various respects have greatly helped India. The League of Nations has also served as a clearing house of information on many important subjects like currency, finance, and banking.

But on the political side the League has failed, and failed very miserably, and this was the main object of this League. Only in connection with a few unimportant disputes have the efforts of the League succeeded, but they have failed in regard to all the major issues which have appeared during the last 20 years. Therefore, Sir, it is clear that the League has failed to fulfil most of the important objects for which it was established. This has been due to various causes. I need not go into the discussion of those causes, but I will briefly mention a few of them. The first cause was the defective constitution of the League. The British Empire was very largely represented on the League in proportion to the other countries, and

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this was perhaps the reason why the United States kept itself aloof from the League of Nations, although President Wilson was the originator of the whole idea. The second reason, perhaps, was the association of the League with the Versailles Treaty, which was an unjust measure. The third reason was that there was no international army under the control of the League, nor even an international police force, which could control the recalcitrant countries. But the most important cause of the failure of the League was the fact that small and weak countries existed side by side with big countries following an Imperialist policy. But whatever the causes, the fact remains that the League has failed.

My second reason for supporting this Resolution is that India contributes a very large sum towards its expenses and she does not get any direct return. Sir, India is a poor country, and if this large sum of money were utilised for more beneficent purposes in this country, a great deal of good would result to India.

These are important reasons but the third reason is even more important. That reason is the anomalous position which India occupies in the League of Nations. What is this anomalous position? It is this. So far as the League of Nations is concerned, India occupies an independent position, being an original member of the League. But so far as Britain is concerned, what is India's position? Is India independent *vis-a-vis* Great Britain? No. It cannot be said that India has that position. Then why maintain this pretence? What is the necessity for maintaining this pretence for such a long time? When the League was established in 1919 the hope was held out to India that once she secured an independent status in regard to her outside relations, it would not take much time for her to secure an independent status so far as her internal position was concerned. But during these twenty years India has not obtained any freedom in regard to internal affairs. She is still a subject country, she is still subject to Great Britain. And how are the representatives to the League of Nations selected? They are appointed by the Government of India which is a subordinate Government. Therefore, those who go as delegates to the League of Nations Conferences are not independent persons. They cannot voice the feelings and the ideas of the people of the country. They voice the feelings and the ideas of the British Government. Some time ago I asked a question whether the Government would consider the desirability of the delegates to the League being elected by the Indian Legislature. To that the reply was—'No'. It was pointed out that the League delegates were representatives of their respective Governments. But it was forgotten that in all free countries the Governments themselves are the representatives of the people. Here the situation is entirely different. Here the Government of India is not in any sense representative of the people of India. Therefore, what we wanted was that the views of the people should be represented at the League's Conferences through the elected representatives, but even this small concession was not granted. This is a very vital matter. My Honourable friend. Sir Syed Raza Ali, said that, although India occupies a very uncomfortable position in this League, she should continue to occupy it in order that in course of time she might get a better status. But is that position consistent with India's self-respect? I say "No". And this is the principal ground on which I support the Resolution.

Sir, the League of Nations is practically dead, but this is not a matter of satisfaction to me. I hope and trust that a new League of Nations will arise out of the ashes of the present League, and that at no distant date. But this can happen only when India becomes independent and all the weak nations become strong and also free. It will be then, and not till then, that there will be a real parliament of man and a true federation of the world.

Mr. F. E. James (Madras: European): Mr. Deputy President, in discussing the question of the League of Nations, there are three general aspects to which we must pay due attention. There is, first of all, the general ideal of the League—the ideal of international co-operation for the purposes of peace. I take it that no Honourable Member in this House will have any quarrel whatever with that ideal. Then there is the constitution of the League itself by which its organisation is bound. There is no doubt that there is considerable criticism of the position which the League occupies both by reason of its peculiar constitution and by reason of the fact that the Covenant of the League is so closely attached to the Treaty of Versailles, and I think that probably most Members of the House would agree with the criticisms that have been offered from time to time by various countries who are members of the League in those directions. Then the third aspect in connection with the League which has to be considered is the record of the League itself. I think—and it is but natural—that too great an emphasis has been placed upon the purely political activities of the League. I do not feel that it is fair or reasonable for Honourable Members to deride the argument which was used by Mr. Joshi when he pointed out that, quite apart from the political aspect, there were other aspects of the League's work which were undoubtedly important. I think, therefore, that it is unwise for the House to concentrate upon the political aspect to the entire exclusion of the other aspects of the League's work. Having said that, I must admit, as every honest person must admit, that when the League was first begun it was the political aspect which most held men's minds and they expected by reason of the organisation of the League that war would ultimately give place to negotiation and peaceful settlement. Member after Member of the House has explained in what way the League has failed to fulfil the hope which was held up for it. But very few Members have paused a while to consider the reasons for those failures. Of course, I suppose we may moralise and say that the nation members of the League are not yet ready to take those measures which are necessary for international collaboration in the direction of peace. But to my mind there are two fundamental reasons which have contributed to the failure of the League on the political side.

First of all has been the refusal of the members of the League to consider for one moment the surrender of any portion of their sovereignty for the common good. Suggestions are now being made in connection with the reconstitution of the League which will endeavour to meet that point either, on the one hand, by insisting that members of the League shall surrender some portion of their sovereignty in connection with armaments, or, on the other, by suggesting that the League itself, while it is constituted of sovereign States, should not attempt any element of international coercion or compulsion. That is one reason.

The other reason that makes it extremely difficult for the League, as it is now constituted, to deal with what I may describe as the major political

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issues of the day, is the unanimity rule in connection with the revision of treaties. As Honourable Members are aware, it requires now a unanimous vote of the Assembly of the League to alter any of the provisions of the treaties which emanated from the last war. So long as that rule exists, any treaty revision is almost impossible as far as the League is concerned. I am merely explaining for the benefit of Honourable Members, who are undoubtedly fully aware of most of these matters, that there are certain fundamental reasons in the League itself which have contributed to the failure of the League to deal with some of the more important political problems of the day. As far as this debate is concerned, dissatisfaction with the League has been voiced from various points of view. There is first of all the dissatisfaction which is voiced in the Resolution itself which refers to the failure of the League to implement the provisions of Article 16 of the Covenant against the Covenant-breaking members of the League. That Article, as the House is aware, deals with sanctions and contains the element of compulsion and coercion against members who are declared to be breakers of the Covenant. No one will disagree for a moment with the interpretation of the position which has been put forward by various Members of the House in regard to the lack of force or sanction behind this particular Article in the Covenant. Then other Members have put forward the argument that it is unfair that India should be expected to contribute to so great an extent to a League which in any case is in an extremely weak condition.

Sir Raza Ali, on whose presence in the House I congratulate him and also the Muslim League Party, argued that there should be no reason to withdraw but that India being a poor country her contributions were out of all proportion to her resources. Mr. Spence has explained that already contributions from India have been reduced and that there is every probability, in view of the hopes of revision of the budget of the League, of a further reduction of India's contribution. I agree with Sir Raza Ali in suggesting that if India is to remain a member of the League her contribution should be radically reduced.

Then, we have another amendment proposed by the Honourable Member from the North-West Frontier Province which refers to what he alleges to be the wrong policy followed by Great Britain with regard to Palestine. That seems to me to be slightly irrelevant when the House is talking about the League. That is an issue entirely between him and the British Government and it is not an issue in which the League is involved except in so far as Great Britain holds Palestine under mandate and is responsible for its administration to the League of Nations. Here again, I would remind my Honourable friend that surely whatever may have happened in the past, at the moment when Great Britain, following her policy of appeasement, is now engaged in conference with the various parties concerned in order to bring about a settlement of the Palestine problem, satisfactory both to the Jews and the Arabs,—surely it is an unfortunate moment to choose that as an argument for leaving the League of Nations. Then there is the argument advanced by my Honourable friend, Professor Banerjee, that it is no use staying in the League of Nations as long as India is in a subordinate position *vis-a-vis* Great Britain. That is an argument I can well understand and I think that if India had not been an original member of the League that would have been a very valuable argument against India joining the League now as a member, being as she is in regard to her foreign policy in a subordinate position.

The problem we have to consider is not the question of India's joining the League *de novo*, but of India leaving the League after an association with the League from 1920. Nobody I think who has had the responsible task of representing India at the League has yet come forward with the proposition that India should leave the League. I have not even heard my Honourable friend, Sir Nripendra Sircar, say that. I should be very interested to hear what his contribution to the discussion will be. I know that some of those who have represented the Government of India at the League of Nations have been less enthusiastic about the League than others. But I have yet to hear any representative of India, who has had experience of attending its meetings and of the international contacts that are enjoyed there, advocate leaving the League. I am bound to say at the same time that for the last 18 or 20 years the Government of India has been blowing hot and cold in regard to representation at the League of Nations. I am at one with those who suggest that it is wrong that India should be represented at the League of Nations by delegates who are no longer resident in this country or who are not likely to have any intimate connection with the people of this country. I think that a great deal of the dissatisfaction of India and of Indian opinion with the League of Nations is due to the fact that after all these years the Government of India has scarcely on any occasion, or on very few occasions, treated India's representation at the League seriously or the work of our delegates as worthy of consideration in this House. To my mind there are two questions which arise in this connection. First of all, what does India gain by leaving the League? She probably gains for her budget about eight to ten lakhs a year. She loses a certain amount of influence which she has in international circles, not necessarily on the political side but on other sides of the League's international work. Her defection from the League will have no effect on League policy. It will have no effect upon the declared policy of Great Britain and the Dominions in favour of League collaboration. Its only effect, possibly, will be to give a certain measure of encouragement to Japan, Germany and Italy who, having withdrawn from the League on precisely these grounds, will claim India as a supporter of their policy.

Mr. M. Asaf Ali: Not a bad idea.

Mr. F. E. James: I suppose Mr. Asaf Ali is qualifying to be a member of the High Command!

What does India lose? I claim that she will lose opportunities of international co-operation. I claim she will lose definitely her status in international affairs which she enjoys by reason of the membership of the League of Nations. I claim that if she leaves the League now, when the time comes, as it will come in my view fairly soon and much sooner than many people expect,—if she leaves the League now, where will her influence be in those days of reconstruction which will be so important not only for the League but for the peace of the world? As a member of the League, she will have her proper place when that time comes; as a country outside the League, she will have no place, and will be able to make no contribution to perhaps one of the most important epochs in international affairs since the days of the Great War.

Several Honourable Members: I move that the question be now put.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That the question be now put."

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): On a point of order, Sir, my Party has not spoken; and that was made clear to the Whip and he had agreed that it will not be put unless one Member from our Party has spoken.

Mr. Deputy President (Mr. Akhil Chandra Datta): Whether, as the Mover of the amendment or, in any other capacity, a member of that Party has spoken. The question is:

"That the question be now put."

The motion was negatived.

Sir Muhammad Yamin Khan: Sir, I must thank the Congress Party for not having pressed their motion for closure, and I am glad that you have allowed me to speak. I must make the position of my Party quite clear before the House, as regards the main proposition and the different amendments before the House. Apart from the amendment moved by Sir Syed Raza Ali, a member of our Party, I have to make the position of my Party clear in respect of other amendments and the original motion before the House. As far as Mr. Joshi's amendment is concerned, my Party does not think it advisable to support it. They think that there is nothing in that amendment, and I do not want to dilate upon this question. As far as the main Resolution is concerned, my Party would not have supported that Resolution on the grounds which have been advanced by the Honourable the Mover of the Resolution, and we want to make it clear that we do not think that the League of Nations is an entirely useless body or will remain a useless body in future. We say that there is something which can be gained from the League of Nations. But we have got our grievances against the League of Nations,—in so far as the League of Nations has failed to perform the many duties for which it was really and originally created. I do not want to reiterate the arguments put forward by other Honourable speakers against the League of Nations' doings. They have been so many times put before the country and before this House that everyone is in full possession of those facts. Our grievance as far as our representation on the League of Nations is concerned is against the Government, and that is that the Government have not chosen so far to send the real representatives of India to the League of Nations. The people who have been sent to the League of Nations to represent India cannot be said to represent India or India's point of view. They may be the representatives of the Government of India, but the Government of India are an irresponsible Government and, therefore, the people who go there to represent India are really bound to represent the views of the Government of India or the British Government. But the real voice of India should be placed before the League of Nations through the proper representatives of India on the League of Nations. That is our grievance against the Government,—that in choosing the delegates they never paid full consideration to this fact as to what kind of delegation should be sent to the League of Nations, and my Party, the Muslim League, have seen that up till now, in spite of their great agitation and the different resolutions passed in the country, their view-point has never been placed before the League of Nations as far as the Palestine question is concerned. No delegate sent by the Indian Government has ever spoken in the League of Nations about the feelings which are prevailing in this country as far

as the other countries' freedom is concerned. My Party, though they are not against the League of Nations and would not be in favour of the main Resolution, want fully to support the amendment moved by my Honourable friend, Mr. Abdul Qaiyum. Our Party also represents the Muslim League outside this House, and we would be failing in our duty towards the Muslim League if we did not place the views of the Muslim League before this House.

It was said by my friend, Mr. James, that this question has got nothing to do with the question of Palestine and that it should not be mixed up with the League of Nations, but he has admitted that it is really the League of Nations which has given the mandate to the British Government to interfere with the administration of Palestine. The British Government had thought of giving up the mandate, but it was the League of Nations which forced them to keep it up. We do not know why the British Government should have anything to do with Palestine. What the Muslim League wants is that the British Government should sever their connection from Palestine. If they want a mandate then the only mandate to be given to the British Government should be that no other country should interfere with the administration of Palestine and they themselves should also not be allowed to interfere with the administration or affairs of Palestine or force the Jews to make their homes there and thus incite a quarrel between the Jews and the Arabs. It is the League of Nations which has entrusted this mandate to the British Government. The Muslim League does not like this policy of the League of Nations, and it has expressed it on many occasions on the platform. Our Party is now voicing the views of the Muslim League through this House, and that is the reason why we are supporting the amendment of Mr. Abdul Qaiyum that India should stop its contributions to the League. If our voice is not put before the League of Nations by our representatives, at least this view will be placed before them through this House that we do not agree with the action taken by the League of Nations in imposing the mandate on the British Government to handle the affairs of Palestine. We feel that the British Government has not kept the promises which it had made to the Arabs, and it has bungled the whole affair. They have unnecessarily, on account of a small affair, created a good deal of mischief in the whole world, and they have unnecessarily created a feeling of criticism and hostility in the minds of those people who would have been otherwise the greatest supporters of the British Empire. This is the policy which has been pursued by the British Government which is totally wrong in the eyes of the Muslim League and the Muslim League Party in this House. We, therefore, support the amendment of Mr. Abdul Qaiyum, but as it cannot be supported without supporting the main Resolution, we are bound to support the Resolution as well. That is the position of our Party.

Khan Bahadur Sir Abdul Hamid (Nominated Non-Official): Sir, I claim the kind indulgence of the House on the ground that I am one of those who very rarely bother the House with their speeches. I hope, therefore, the House will kindly bear with me when I offer a few remarks on the subject under discussion. I have listened very carefully to the various speeches that have been delivered on this occasion and I gather that the indictment against the League is based on the following grounds. Firstly, the League has failed to fulfil the objects which it was designed

[Khan Bahadur Sir Abdul Hamid.]

to serve. Secondly, India's contribution is out of all proportion to the benefits which it derives by its membership. Thirdly, India is represented very inadequately on the administration of the League of Nations. Of course, there seems to be another deeper ground and that is that because India is not a free country, it should walk out of the League of Nations. Well, Sir, there seems to be unanimity on one point, namely, that the League has certainly not been very successful in handling some of the major crises that have arisen in its chequered history. Now, we must examine the causes of this failure. There are two very important reasons. One is that the League of Nations lost the support of the United States of America and, secondly, the League of Nations was unable to legislate against the emergence of what I may call the totalitarian ideology. At the time of its inception, nobody could foresee this factor which has upset the calculations of the statesmen who were the founders of the League. These seem to me to be the chief contributory causes of the failure of the League in handling successfully questions of great political importance. But, I feel that by seceding from the League no particular object would be served except that we shall be losing our international status. If we have to go to the League again when we achieve our freedom, why should we leave it now and cut ourselves adrift from an organization which we hope to rejoin again.

As I said, the League has not been very successful in many of its functions. But apart from the political side of the League there are some other activities which have been eminently successful. Take, for instance, the abolition of slavery. Then, there is the question of drug traffic, intellectual co-operation and technical organisations. Further, there is the International Labour Office. The League has done a great deal for improving the labour conditions in the world, for which we ought to be thankful and appreciate its efforts in that behalf. There are many other things. The abolition of slavery is not an unimportant matter. I am prepared to believe that slavery has certainly been wiped out of existence in the world, except perhaps in certain remote and inaccessible parts of the world. I think the results of the efforts of the League organisation entitle it to our appreciation. By cutting ourselves adrift from the League and seceding from it, we shall be losing touch with an organisation which has rendered immense humanitarian and social service to the world. I feel that the contribution of India is certainly heavy. I know from personal experience that Indian delegates have time and again made every endeavour to persuade the League to reduce that contribution. I think their efforts have met with a certain amount of success. I am glad to hear from the Honourable Mr. Spence today that a further definite effort is going to be made to achieve a substantial reduction of India's contribution and I hope that will materialise. Thirdly, there is the inadequate representation of Indians on the League organisation. I feel rather strongly myself on this point and hope that the League authorities will appreciate the fact that India has been a very large contributor to its finances and in recognition of that fact India's representation on the League should be much larger than it has been. We have this Resolution before us which seeks to end our connection with the League organisation and there is Mr. Joshi's amended Resolution which seeks to improve the usefulness of the League. I am not for ending things. I am for mending

things and I am in favour of the amendment which Mr. Joshi has moved in the House today.

As regards the Palestine question, there is no doubt that Muslim opinion is unanimous in wishing the Palestine Arabs all happiness and relief from their present troubles. I doubt very much whether this Resolution is the proper means for ventilating grievances on the Palestine question, that is to say by means of a Resolution which seeks to sever our connection with the League of Nations. I cannot, therefore, support the amendment of Mr. Abdul Qaiyum. I would beg of the House again to realise that in a matter like this we should exhibit a larger outlook and sympathy. I am afraid that if we pass this Resolution the outside world would regret that India for inadequate reasons has severed her connection with a beneficent organisation. India or the world would not be a gainer. If by India's severance from the League of Nations, the League could be made more useful and be made a more steadying factor in the political situation in the world, well by all means let her do so. But I am afraid the reverse would be the case. India would lose the opportunity of exerting her influence in world affairs in accordance with her past traditions. With these words, I support the amended Resolution moved by Mr. Joshi.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Some Honourable Members: The question may now be put

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the question be now put."

The Assembly divided:

AYES—57.

Abdul Ghani, Maulvi Muhammad.

Abdul Qaiyum, Mr.

Abdullah, Mr. H. M.

Asaf Ali, Mr. M.

Ayyangar, Mr. M. Ananthasayanam.

Azhar Ali, Mr. Muhammad.

Banerjee, Dr. P. N.

Basu, Mr. R. N.

Chaudhury, Mr. Brojendra Narayan.

Chettiar, Mr. T. S. Avinashilingam.

Das, Mr. B.

Datta, Mr. Akhil Chandra.

Desai, Mr. Bhulabhai J.

Deshmukh, Mr. Govind V.

Gadgil, Mr. N. V.

Ghiasuddin Mr. M.

Ghulam Bhik Nairang, Syed.

Ghuznavi, Sir Abdul Halim.

Govind Das, Seth.

Gupta, Mr. K. S.

Hans Raj, Raizada.

Hegde, Sri K. B. Jinaraja.

Ismail Khan, Haji Chaudhury

Muhammad.

Jedhe, Mr. K. M.

Jogendra Singh, Sirdar.

Kailash Behari Lal, Babu.

Lahiri Chaudhury, Mr. D. K.

Lalchand Navalrai, Mr.

Maitra, Pandit Lakshmi Kanta.

Malaviya, Pandit Krishna Kant.

Mangal Singh, Sardar.

Manu Subedar, Mr.

Misra, Pandit Shambhu Dayal.

Mudaliar, Mr. C. N. Muthuranga.

Muhammad Ahmad Kazmi, Qazi.

Murtuza Sahib Bahadur, Maulvi

Syed.

Pande, Mr. Badri Dutt.

Raghubir Narayan Singh, Choudhri.

Ramayan Prasad, Mr.

Ranga, Prof. N. G.

Rao, Mr. M. Thirumala.

Raza Ali, Sir Syed.

Saksena, Mr. Mohan Lal.

Sant Singh, Sardar.

Sathanam, Mr. K.

Satyamurti, Mr. S.

Shalban, Mian Ghulam Kadir

Muhammad.

Sham Lal, Mr.

Sheodass Daga, Seth.

Sikandar Ali Choudhury, Maulvi.

Singh, Mr. Ram Narayan.

Sinha, Mr. Satya Narayan.

Som, Mr. Surya Kumar.

Sri Prakasa, Mr.

Subbarayan, Shrimati K. Radha Bai.

Yamin Khan, Sir Muhammad.

Ziauddin Ahmad, Dr. Sir.

NOES—43.

Abdul Hamid, Khan Bahadur Sir.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Ahmed, Mr. K.
 Aikman, Mr. A.
 Ayyar, Mr. N. M.
 Bajpai, Sir Girja Shankar.
 Bewoor, Mr. G. V.
 Boyle, Mr. J. D.
 Buss, Mr. L. C.
 Chambers, Mr. S. P.
 Chanda, Mr. A. K.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur Captain.
 Gorwala, Mr. A. D.
 Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 Hardman, Mr. J. S.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Joshi, Mr. N. M.
 Kamaluddin Ahmed, Shams-ul-Ujema.
 Lillie, Mr. C. J. W.

Mackeown, Mr. J. A.
 Maxwell, The Honourable Mr. R. M.
 Menon, Mr. P. A.
 Menon, Mr. P. M.
 Metcalfe, Sir Aubrey.
 Miller, Mr. C. C.
 Mukherji, Mr. Basanta Kumar.
 Nur Muhammad, Khan Bahadur Shaikh.
 Ogilvie, Mr. C. M. G.
 Rahman, Lieut.-Col. M. A.
 Roughton, Mr. N. J.
 Row, Mr. K. Sanjiva.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan, Captain * Sardar Sir.
 Suvvar, The Honourable Sir Nripen--dra.
 Spence, Mr. G. H.
 Staig, Mr. B. M.
 Stewart, The Honourable Sir Thomas.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Zafrullah Khan, The Honourable Sir Muhammad.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

“That for the original Resolution the following be substituted:

“That this Assembly recommends to the Governor General in Council to convey to the League of Nations India's dissatisfaction that in major political issues it has so far failed to achieve its purpose of bringing about international peace and protecting the interests of smaller nations, to put forward before the League proposals for making it a better and more effective instrument for accomplishing its aims and objects by strengthening the Covenant of the League and otherwise and for India's more effective participation in its work and also recommends to the Government of India to take such steps, as are necessary to secure the acceptance of its proposals by the League’.”

4 P.M.

The Assembly divided:

AYES—43

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.

Ahmed, Mr. K.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Gurja Shankar.
Bewoor, Mr. G. V.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chambers, Mr. S. P.
Chanda, Mr. A. K.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.

Gorwala, Mr. A. D.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Hardman, Mr. J. S.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.

Joshi, Mr. N. M.
Kamaluddin Ahmed, Shams-ul-Ulema.
Lollie, Mr. C. J. W.

Mackeown, Mr. J. A.
Maxwell, The Honourable Mr. R. M.
Menon, Mr. P. A.
Menon, Mr. P. M.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Mukherji, Mr. Basanta Kumar.
Nur Muhammad, Khan Bahadur Shaikh.
Ogilvie, Mr. C. M. G.
Rahman, Lieut.-Col. M. A.
Roughton, Mr. N. J.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan, Captain Sardar Sir.

Sircar, The Honourable Sir Nripen
Sircar.
Spence, Mr. G. H.
Staig, Mr. B. M.
Stewart, The Honourable Sir,
Thomas.
Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Zafrullah Khan, The Honourable
Sir Muhammad.

NOES—57.

Abdul Ghani, Maulvi Muhammad.
Abdul Qayyum, Mr.
Abdullah, Mr. H. M.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Basu, Mr. R. N.
Chaudhury, Mr. Brojendra Narayan
Chettiar, Mr. T. S. Avinashilingam.
Das, Mr. B.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Mr. Govind V.
Gadgil, Mr. N. V.
Ghiasuddin Mr. M.
Ghulam Bhik Nairang, Syed.
Ghuznavi, Sir Abdul Halim.
Govind Das, Seth.
Gupta, Mr. K. S.
Hans Raj, Raizala.
Hegde, Sri K. B. Jinaraja.
Ismail Khan, Haji Chaudhury
Muhammad.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.

Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Manu Subedar, Mr.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi
Syed.
Pande, Mr. Badri Dutt.
Raghur Narayan Singh, Chondhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. M. Thirumala.
Raza Ali, Sir Syed.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Shahlan, Mian Ghulam Kadir
Muhammad.
Sham Lal, Mr.
Sheodass Daga, Seth.
Sikandar Ali Chondhury, Maulvi.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Subbarayan, Shrimati K. Radha Bai.
Yamin Khan, Sir Muhammad.
Ziauddin Ahmad, Dr. Sir.

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): It is now seven minutes past Four of the Clock. The question has arisen whether the Chair can put the amendment and the Resolution to vote. There is no precedent that the Chair can find and the Chair does not know whether any question like this has arisen before; but if it is the general desire of the House the Chair will, on this occasion, put the amendment and the Resolution to the vote without creating a precedent

The Honourable Sir Nripendra Sircar (Law Member): As regards general desire, Sir, it is not the desire of this side.

Mr. President (The Honourable Sir Abdur Rahim): Then, the Chair would take up the adjournment motion.

Mr. Bhulabhai J. Desai: May I raise a point of order, and that is this: I quite concede that there is no precedent. The rule which has always been observed is that when voting on a particular motion is in progress, that particular matter must be finished.

Mr. President (The Honourable Sir Abdur Rahim): Can the Honourable Member show any ruling like that?

Mr. Bhulabhai J. Desai: That has been the case always

Mr. President (The Honourable Sir Abdur Rahim): When there is an adjournment motion?

Mr. Bhulabhai J. Desai: Once voting is in progress the point is really this. You now put Mr. Joshi's amendment, which is in substitution of the original Resolution, to the vote already: this motion is being voted upon. When a question of time is raised, the point has to be considered. The voting is not complete. Either there is some logic in this or we are going to apply sense to it. Applying logic, it is already past Four, and, therefore,

Mr. President (The Honourable Sir Abdur Rahim): Because the voting was going on.

Mr. Bhulabhai J. Desai: Therefore, I say that voting is continuing on this motion

Mr. President (The Honourable Sir Abdur Rahim): The point of order has been raised. The Chair would say that it has got to stop now. The voting on the amendment of Mr. Joshi was actually in progress when the Clock struck Four, but as that amendment has been disposed of, the Chair does not think, under the Standing Order, it should be justified in proceeding further with the Resolution before the House. But the Chair is prepared to consider the question again on a later occasion and give its considered ruling, but a ruling has already been given so far as the present occasion is concerned.

MOTION FOR ADJOURNMENT.

ANTI-INDIAN RIOTS IN BURMA.

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh: Muhaminadan Rural): Sir, I move:

"That the Assembly do now adjourn."

Sir, yesterday morning, I received this telegram from the Southern India Chamber of Commerce, Burma

Mr. D. K. Lahiri Chaudhuri (Bengal: Landholders): On a point of order, Sir. As we have already started about 12 minutes late, can we get extra time after six o'clock?

Mr. President (The Honourable Sir Abdur Rahim): On that, the Standing Order is quite clear.

Sir Abdul Halim Ghuznavi:

"Alarmed at recrudescence anti-Indian riots looting incendiarism Burma. Madras Premier informed Assembly twenty seventh January that on eighteenth January at Monywa one Indian cotton mill burnt twelve Indian shops looted nine Indians injured stop since then situation worsening."

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not read all that.

Sir Abdul Halim Ghuznavi: I have to acquaint the House with the contents of the telegram:

"As evidenced by reports Indians assaulted several Indian shops looted in Myingyan District headquarters on thirtieth January stop request move adjournment motion and urge Government take immediate steps protect Indian life property in Burma. . . . South Indian Chamber."

Sir, at the Round Table Conference which was held in England in 1930 the question of the separation of Burma from India was considered. I was one of the delegates who served on the Committee, and I opposed the separation tooth and nail, for the main reason that a large number of Indians had settled down in Burma, they have sunk capital to the tune of millions of rupees and they had been doing business there for some generations. Most of them, at least a majority of them, were Mussalmans, and their position would be very difficult if the separation took place. Secondly, Sir, another point which was prominently in our mind was that the European community in Burma wanted to exploit Burma and not to give even a small portion of the business to the Indians who had been trading there for generations. They wanted to keep the whole loaf to themselves and oust the Indians from Burma so that they might exploit the whole country for themselves. That was the idea in their mind

Mr. F. E. James (Madras: European): It is quite untrue.

Sir Abdul Halim Ghuznavi: I may be quite untrue as far as my friend is concerned, but it is quite true so far as I am concerned.

Mr. F. E. James: May I rise to a point of explanation? I challenge my friend to point to any statement made at the Round Table Conference by any European representative, or to any statement made in Burma by any European political party even advocating the separation of Burma?

Sir Abdul Halim Ghuznavi: I never said that the European delegates at the Round Table Conference made any remark of that kind, nor did I say that the Europeans publicly declared at public meetings their desire to exploit Burma. That was the intention in their mind . . .

Mr. F. E. James: No, no.

Sir Abdul Halim Ghuznavi: We could gather it from the manner in which they were manipulating the separation of Burma from India. I hope I shall not be interrupted again because I have got only 15 minutes. Sir, when it was settled that Burma would be separated from India, a definite assurance was given by His Majesty's Government to the effect that they would see to the protection of life and property of the Indians who had settled in Burma. I ask, Sir, where is that assurance today? What has been done to that assurance which was given to us when we were in England? What happened to it? Don't we know what happened only last year? In July, there was a tremendous loss of life, and an enormous amount of property was looted, and nothing was done either by the Government of India or by the Secretary of State to prevent murder, arson and looting that was going on there . . .

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Go to Burma and see the next.

Sir Abdul Halim Ghuznavi: If one European in that country had been murdered, thousands of military men and armed forces, aeroplanes, in fact, all the British regiments would have been drafted to that place to protect the life and property of the Europeans living there. But, in the case of Indians, nothing has been done, because, it is the Indians who are suffering, and not Europeans.

Sir, the Honourable the Member for Education, speaking on the 5th of September last, made a very long speech on this subject, and that speech is now before me. I ask him to say what since then has been done to protect the life and property of Indians in that country? As far as we know, nothing has been done.

Now, Sir, Burma was separated as long ago as the 1st of February, 1937, and even an Agent of the Governor General was not appointed there till the 5th of September. The Agent had not reached there even on the 5th September, but six weeks later. Now, Sir, it is really a very serious matter. This House is quite helpless. We will shortly see my friend, the Education Secretary, shedding crocodile tears and expressing lip sympathy for all that has been happening in that country, and, with that, everything will end. I ask him, instead of shedding crocodile tears and making sweet speeches, please, for Heaven's sake, take action and tell us what action you have taken to prevent this looting, murder, arson and all the rest of it which is continuing from day to day. What steps are you going to take, what specific steps are you going to take to stop all these things? You must make a statement on the floor of the House today here and now to prevent . . .

Mr. F. E. James: What steps can he take?

Sir Abdul Halim Ghuznavi: Let him say that he cannot take any steps.

Mr. F. E. James: Tell him what to do.

Sir Abdul Halim Ghuznavi: I would send all the military there to protect the Indians. Let him be frank and tell us that he cannot do anything, that we should help ourselves. We will know then what to do. Do not give us an assurance which you cannot carry out. Do not say things which you know you may not be able to carry out. If it is not in your power, say so, and we would know our position and we shall advise our Indian friends there as to what to do, and what not to do. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Assembly do now adjourn."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): Sir, I rise to support the motion. I had also a motion in my own name, but my Honourable friend's motion had priority. I heartily support the motion that has been moved by him. This is the second of the adjournment motions on this matter within less than six months. I will immediately answer my Honourable friends of the European Group as to what the Government of India could have done and ought to have done. Then, I shall go to the other atrocities and the state of terror in which our Indian brethren in Burma are from day to day.

It is not at our instance that Burma was separated. It was against the unanimous protest of India that Burma was separated. We did not long for bringing Burma within India as part of India, nor were we responsible for the separation of Burma. At the time Burma was separated no special steps were taken to see that Indian life and property were safeguarded. Assuming that Burma is an independent State, the ultimate thing that could be done is waging war with Burma and sending troops. I do not ask that the final step should be taken now. The self-same question was put by the Honourable Member in charge of the portfolio and his able Secretary when the previous adjournment motion was being discussed on the floor of the House. It was suggested but the Honourable Member himself said that that ought to be done as the last resort. I do say that that ought not to be taken in the earlier stages, but there are other things that could be done. Firstly, what I say is, that an Agent must have been asked to go to the spot and make enquiries as to what had occurred. The Agent ought to have been appointed in 1937 itself as soon as Burma was separated. It took nearly one and a half or two years for the appointment of the Agent, and after he went there, I ask the Honourable Member in charge of the portfolio, did he go to the scene of occurrence, did he go to the spot and make enquiries? After he was appointed did he take any steps to get into touch with the Indians there? I shall presently show that this is not a sporadic incident, but that this is by design to turn out all Indians from Burma. It is not only one section of Burmans who are interested in it, all sections which have voice in the administration of Burma with the people in addition, and it is unfortunate that I have to make reference to the Government of Burma—it is absolutely indifferent

[Mr. M. Ananthasayanam Ayyangar.]

in this matter. Whatever may be said on behalf of the Burman Government I can read between the lines, and it seems to me to be in consonance with the policy of the Government of Burma, though I am not prepared to say emphatically to that extent.

The phongyis who shape the course of action in Burma, the press who shape public opinion in Burma, the Youth League in Burma—all of them have combined to suppress the Indian element, to exterminate the Indian section from Burma altogether. The Indians have a lot of interests there. They are nearly a million there. They have sunk a good deal of money, and Lower Burma is what it is today, an industrial country, only on account of the Indian capital invested and the Indian labour that has been sent out to Burma. Lots of Indians have migrated to that country from 1869 onwards. They went there by invitation, not at their own instance. People were induced to go there; the zemindars were asked to send their farm servants and labourers so that Burma might improve industrially. Today the fate of Indians there is very pitiable; they are afraid of what will happen to their lives and their property. That is the position in which they are. I ask, was the Government of India really alive to their responsibility when they did not care to appoint an Agent immediately after the separation of Burma? This is not a new incident. So early as 1930 the Koringis were attacked—that was when the Government of India Act was on the anvil, and negotiations for separation started as early as 1930. The Burmese wanted to make out that they would not tolerate Indians any longer there. That was the first step that they took to give effective evidence that Burma wanted separation. That is how they started these riots.

Then, after the Act was passed in 1935, just a short time after separation, there was again a riot in 1937, then in 1938, and there is a third riot today. All these have a common origin. It is not a book that was written that has given rise to these riots. It is only an excuse as the Committee has reported. The Government of India has been sleeping over these. They were not alive to their responsibility nor did they discharge their responsibility properly. The Agent there ought to have been an Indian—an Indian who can easily get into touch with the Indians there. But an European has been appointed and I am afraid that he is sleeping over his duties there. Then there is the question of trade relations between India and Burma. Today the export from India to Burma comes to the tune of 11 crores and exports from Burma to India comes to the tune of 26 crores. Burma, therefore, has got a favourable trade balance and it is in the interests of Burma and the Burma Government to see that they maintain proper relations and good relations with India. At any time we can see that none of these exports come from Burma to this country. Is it not a weapon which could be resorted to? What steps have been taken in that direction? Is it not the duty of the Government of India to write to the Burma Government and ask them to suppress or prevent all those papers which are trying to foment communal hatred there? What steps have been taken in that direction? What steps have been taken to round up those goondas who call themselves phongyis or monks? That is a thing which is done and could be done by any Government which is honestly anxious to discharge its duties in maintaining law and order and prevent sacrifice of life and property of

minority communities there? Has that been done? What has been done in respect of the Youth League there? I shall read to the House the last portion of the Committee's report. The full report of the Committee is not available but there are some extracts from it in the *Statesman*:

"The Committee consider that it is not on account of the writing of a particular book that all these incidents have taken place. There is a design behind."

It is really curious that one Burman offends another Burman and then it is the Indian's head that is cut off and it is the Indian's property that is looted. It is a riddle which I will set to any man, but however long he may think over it he will not be able to come to any conclusion or solution. When two Burmans fight, why should Indians die? I ask the Honourable Member in charge of this department to solve this riddle. The other day when the last adjournment motion was being discussed in September in Simla, my Honourable friend, Sir Girja Shankar Bajpai, said that some Buddhist Muslim wrote a book and on account of certain passages in it accusing the Buddhist religion the riot broke out. I ask him to disabuse his mind and not to give this kind of special pleading for the Burma Government. Let him not entertain that idea and delude himself into not taking proper action.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): On a point of personal explanation. All that I said in September was that this was at the time understood to be the immediate cause of the riot.

Mr. M. Ananthasayanam Ayyangar: That was the excuse for the riot. The Committee cannot be said to be interested in the Indian people there, and even that Committee had to report that the cause of these riots is something much deeper. That is the Burmans want to have Burma for themselves that is the cry there. The last portion of the report is worth reading:

"While these are the problems in the background, against which the riots have to be studied, they would not have become the disturbing factors they did but for the activities of the Burmese Press."

In an earlier portion, the Committee say:

"On the other hand, the speed with which the disturbances spread and the obstinacy with which the feelings that caused them remain together with the crescendo of political propaganda all contribute to the belief that the real cause of the riots was not merely Maung Shwe Hpi's book. There had been at work in Burma for some time a number of dangerous influences or causes which to some extent lay at the root of the passions which the book served to release. They are economic, political and social in character."

In conclusion, the committee say: -

"There is plenty of evidence, that once started the riot found a great many of its recruits among the young men belonging to the Thakin organisations. That on the whole the Thakin movement has for some time been doing mischievous work admits of little doubt. Though the leaders did not themselves cause the rioting in any direct sense, the readiness with which their disciples took part in it has amply proved that they made a great contribution towards it. The movement unless checked or unless public opinion is strong enough to stop it, which the Committee doubt, will remain a dangerous source of unrest."

The committee have honest doubts that the public in Burma may not take any step to stop this agitation. So far as this adjournment motion is concerned, I want to know what the Government of India have done? Have they written to the Government of Burma in a tone

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which the occasion requires? Have they warned the Government of Burma that unless prompt steps are taken they will have to enter into warfare with them. Then, economic steps ought to be taken to stop Burman goods from coming into this country. Steps should also be taken to prevent Burmans entering this country. May I ask what steps have been taken in that direction. The goondas who foment the strife should be rounded up and the youth movement should be checked. The phongyis and other persons should be asked to give security not to indulge in this propaganda. These are the steps which can be easily taken. I ask if the Agent in Burma has been able to collect statistics of the number of persons who have suffered in the last riots and those who have suffered in the recent riots. Even statistics we do not have. Last time when the adjournment motion was moved, it was said that an enquiry should be set on foot for the purpose of ascertaining compensation or adequate relief to the sufferers. Mere compensation is not enough after death has taken away a number of Indians. Sufficient steps ought to be taken to see that in future at least such riots do not occur. There are two things which the Government of India have to do. One is to see that proper steps are taken that such riots do not recur and that those persons who have suffered do get proper compensation. Lastly, a committee consisting of responsible Indians may be sent immediately to make an investigation into the causes of the riots, to advise the Government of Burma, as a friendly and good will commission, to take strong steps to suppress riots in future, if they occur and if the Burma Government does not take proper or adequate steps it is for us to enforce the economic sanctions. Whatever the League of Nations might have been able to do, let us do it here. Failing that, the army, which has been allowed to be used by the Government of Burma, should be used against Burma, in the interests of India. This is the least that we expect the Government to do to protect the lives of Indians settled there. The lot of Indians in Burma is hopeless. They went to Transvaal and Kenya of their own accord. To some extent they are responsible for their own lot there. Here the people were invited to go and settle there and they have been cut away from their mother country in circumstances beyond their control. In these circumstances the Government of India cannot sit with folded hands and say that nothing could be done. If there is a will, I believe that Government can do something and I am really sorry to note that the Government are not prepared to do what they can do. I whole-heartedly support this adjournment motion.

Mr. F. E. James: Last Tuesday, I had an opportunity of a conference with two distinguished Burman gentlemen in Colombo, U Ba Win, who is at present the Mayor of Rangoon, and U Ba Lwin, a Member of the House of Representatives. This conference and a very large number of letters I have had from Indian friends in Burma have led me to draw certain conclusions from the present situation. In the first place the latest recrudescence of rioting and disorder does not appear to have in its origin any definitely anti-Indian bias. Of course, Indians have been affected. Every one knows that.

My Honourable friend, Sir A. H. Ghuznavi, has read out some incidents where Indian life and property were severely damaged; but my in-

formation goes to show that the present disorder is largely of a general economic and political character and is widespread throughout the province of Burma. The other observation I should like to make is that it is quite clear that the Government in Burma today is by no means a strong Government. It is uncertain of its tenure. It is uncertain of the support it can get from its followers. It is still more uncertain as to its own policy. Let me refer to a speech recently delivered by Mr. W. C. Richards who was at one time a member of this House and who now leads the European Group in the Burma Assembly. He criticised the Ministry on the ground that it had displayed weakness in dealing with disorder and he went on to show that the Government of the day did not fulfil its primary obligation not only to the minorities in Burma but to the population generally. The Prime Minister of Burma in a statement which he made only last week was at great pains to point out that he and his Government were being coerced by agitators. He went on to say that their methods were aimed not only against the present constitution but against any constitution and that the new constitutional theory, "seems to be that everybody has a right to govern the country except the Government and that the legislature appointed by a country-wide vote does not represent the country but mass meetings held at some place or other always do." Mr. Richards went on to assert that the sooner the Government of the day definitely asserted itself against these chaotic tendencies the better it would be for Burma. Well, Sir, it is obviously difficult for us in this House to suggest to the Burma Government precisely what they should do to meet these forces of disorder. I think the Provincial Governments in this country have, since the inauguration of provincial autonomy, a far better record in dealing with these matters than the Government of Burma. And yet that does not mean that even our Provincial Governments, firm as they have been in the maintenance of law and order, have been able to suppress altogether certain disorderly elements and their effects on policy. It is obviously a very difficult matter. One thing that my Burmese friends impressed upon me was that not only the Burma Government but the whole of the Burmese people were extremely sensitive of criticism coming from this country. Now that does not mean that we should not criticize when the citizens of this country are in danger; and I think we are perfectly right in raising our voices as unitedly as possible in condemning any weakness in the Government where it affects deleteriously the people of this country who are the inhabitants of that place. It is difficult to make precise recommendations. Some have been made by my Honourable friend Mr. Ananthasavanam Avvancar. Some of them are not quite practicable; some are; but it is clear that, in the last analysis, as I said on a motion of adjournment on the 15th of September last year, in the last analysis, if the Governments in Burma are not able to discharge their responsibilities, those responsibilities then must rest on the representative of the British Government itself.

Now, first of all, I consider that the functions of the Agent of the Government of India in Burma should be greatly widened. At present he deals almost exclusively with immigrant labour. His functions should include the representation of the Government of India on all matters affecting Indians in Burma. I do not agree with the criticism advanced by my Honourable friend, Mr. Ananthasavanam Avvancar, that the difficulty of the present situation is partly due to the fact that the present

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officer is a European, for, as he doubtless knows, that officer was appointed by the Government of India on the express recommendation of the Government of Madras. Secondly, I am not very much in favour of goodwill missions at the present time. I did discuss the advisability of some such organization going over to Burma, with my Burnese friends and they said, that unless the goodwill mission was one representing the authority of the Government of India it would be of little value. My second suggestion would be that the Member in charge of this Department himself or his Secretary should go to Burma with the whole authority of the Government of India behind them

The Honourable Sir Nripendra Sircar (Law Member): Preferably the Secretary?

Mr. F. E. James: Both if you like, both if they can be spared from office at the same time. My point is that I see no particular value in sending a casual unofficial deputation of goodwill at the present time. That would not have the slightest effect in Burma and I do not think that it would be particularly welcomed in Burma. But I do believe that a visit by a Member of the Government of India would have some effect. Thirdly, I should like to ask—and I asked this on a previous occasion—as to whether the Government of India themselves are satisfied that everything has been done, so far as lies in the power of the Governor of Burma, in the discharge of his special responsibilities. If the Government of Burma is not able to deal with the matter with authority and with fairness, then they should give way to some other Government that can. But it is very doubtful whether there exist in Burma today even among the Opposition the elements which can contribute to a stable government. If, therefore, there is very little prospect for some time of a stable and strong Government in Burma, then surely the case is greatly strengthened for the use of the Governor's special powers. I know that that is not a policy widely supported in this country, yet I am perfectly sure (interruption) that those who say "no" will be very glad to see the Governor of Burma's powers exercised in regard to the protection of the minorities to which they belong.

An Honourable Member: That is the Englishman's policy of "divide and rule".

Mr. F. E. James: That is a highly irrelevant remark. I am trying to make a serious contribution to the discussion and I hope the House will take my suggestions in the spirit in which they are offered. Sir, the position is a difficult one. These particular riots are not only anti-Indian; they are not anti-Indian in their origin; they are a very different proposition altogether. They are riots arising from political and economic discontent, which from time to time evidences itself in savage attacks upon the Indian population. What we do feel essentially is that the Indian population in Burma should be better protected; and if the Government of Burma cannot protect them, then other powers should be used and, if necessary, the intervention of the British Government itself should be called into being.

Sir Girja Shankar Bajpai: Mr. President, five months ago, almost to a day, this very question of Indians in Burma was raised and discussed on an adjournment motion. That it has been raised again, only on the second day of the present Session, is proof of the keen and continued interest which Honourable Members take in this question, and also a reminder that the causes of anxiety still persist. We have a reminder of the justification, shall we say, for that anxiety in that incident at Moynwa to which my Honourable friend, Sir Abdul Halim Ghuznavi, referred in his opening speech on this adjournment motion. And it is not merely that. Of an Indian population of roughly a million and a quarter people, a considerable number are undoubtedly concentrated in Rangoon, but others are scattered all over the country, some in very minute groups and, therefore, by reason of their dispersion they are exposed to danger unless the requisite element of protection from the Government and of goodwill from the people are forthcoming. Those being the circumstances, it is not unnatural nor unexpected that there should be this anxiety for the situation of the Indian community in Burma. That is common ground between us. Now the question that arises is: What is it that the Government of India could have done since this matter was last discussed, and what is it that they can do now to provide a permanent and a final solution of the difficulties that have arisen—permanent and ever-lasting protection, if you like, for Indians in every part of Burma? Now I submit that that particular problem has two aspects of it. One is that of the immediate precautions to be taken for the protection of Indian life and property. The second is that of the remedy to be applied for the eradication of those more deep-seated and permanent causes which make the adoption of these special precautions necessary.

Before I go on to deal with either of these two points which I have mentioned, I should like to dispose of the actual position with regard to this disturbance at Moynwa which occurred on the 18th of January. Inquiries made from the Government of Burma and our Agent in Burma both prove that those riots arose out of a fracas between certain students who wanted to have a hartal observed for something entirely unconnected with the Indians,—as a matter of fact as part of the drive against the ministry in Burma by the Opposition, and the refusal of the Indian shopkeepers to fall in line with the wishes of these people. The phongyis, the ubiquitous priests in Burma, came into the picture, and there was this trouble resulting in the burning down of an Indian mill, the looting of 12 Indian shops and injuries to 9 Indian persons. I can assure my Honourable friends that, if the situation in Rangoon itself had permitted of the Agent proceeding immediately to these places, he would have done so. I shall explain in a moment what the tension in Rangoon is. It was because of this tension in Rangoon that he did not proceed there immediately, but he has satisfied himself that, immediately after these occurrences, not merely the local civil police but the military police were reinforced and that the situation there is completely under control.

Sir Abdul Halim Ghuznavi: But the mill has been burnt.

Sir Girja Shankar Bajpai: It was not a large size mill. Of course, I am not justifying its being burnt, but I am simply trying to say that whatever disturbance arose on this occasion was promptly suppressed and the police there have been reinforced. Now, Sir, the point I was going to make was that when the House last discussed this question in September there had

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been a series of continuous riots. In November I had occasion to answer a question by my Honourable friend, Mr. Avinashilingam Chettiar, in which I explained that, apart from some boycotting of shops in Mandalay early in October, there had been no trouble up to the time when I answered this question, namely, about the middle of November. The point for the consideration of the House there is that from about the middle of October, when this boycott took place, until the 18th of January when this recrudescence of trouble at Moynwa occurred, the Indian position, as regards the immunity of life and property from menace, was comparatively peaceful. I would not make a higher claim than that for the position as it stood. Now, I think it will be appreciated by the House that this does represent some improvement. And, I would also explain, how this improvement has been effected because it has been urged in the course of the debate that the Government of Burma have proved absolutely supine or indifferent to the position.

When the discussion took place in September, I was at pains to point out that we ourselves were not satisfied with the manner in which the Government of Burma had acted on that occasion. But, Sir, you have to take into consideration two things. First, that in Rangoon itself, ever since the middle of December, a very tense situation has developed, not directed against the Indian community as such, but as a part of the interplay, if you like, of local politics, involving marches of cultivators from outside Rangoon to Rangoon, of strikers from the oil fields marching also to Rangoon, of students' strikes and other similar situations. Here, again, I think one may say that it does represent an improvement on the old situation that, although there has been this tension in Rangoon, on the whole the Indian position has been safe.

Now, for a statement of the action which the Government of Burma have taken. Let me say at once that it was due to some extent, at any rate, to the representations made by us with the support in this House as a result of the discussion which took place in September, 1938. Sir, the position is that in Rangoon under section 144 of the Criminal Procedure Code all processions and meetings have been stopped. The police has been reinforced. Not only has the civil police been augmented in strength but the military police also. The press has, unfortunately, functioned in the last few months as an instrument of incitement, particularly incitement against the Indians. There, again, under the special Press Emergency Powers Act, copies of newspaper issues and books in which this incitement has been indulged have been forfeited, security has been demanded from certain editors who are offenders in this respect and two editors have also been prosecuted and imprisoned. I think the House will agree that here again there is something in the way of an improvement to record on the old position.

To get back to this episode of Moynwa. We, on this side of the House, deplore it as much as Honourable Members in any section of the House. But, Sir, we have to bear in mind what the writers of the interim report of the Riot Inquiry Committee, a Committee on which there are two Indian members, have to say with regard to the actual position or the actual causes of the differences and the tension between the Indian and the Burman communities. They say that this thing has been growing since 1922, that is, for 17 years, and although this religious pamphlet—I am afraid I cannot correctly or even adequately pronounce the name of the author—might have

been the immediate cause of the trouble in 1938, there are more fundamental causes, such as the question of Indian immigration into Burma, the question of the holding of land by Indians in Burma, the question of marriages between Indians and Burmans. I must not be understood as either adopting the emphasis which the authors of this report have laid on these causes, or as endorsing all the remedies which they have suggested for doing away with these causes. All that I wish the House to appreciate is that you cannot summarily dismiss the arguments which they have put forward for treating the problem as, in a way, a long range problem which will take a certain amount of time and tact to settle. That being the position, we have to reconcile ourselves to the possibility that now and again a flare-up may occur. My Honourable friend, Mr. James, it will be remembered, in the debate of September, 1938, asked whether the Government of India had offered to His Majesty's Secretary of State to reinforce the police and the military in Burma for the purpose of protecting the Indian interests there. I said to him then that it was a matter which the Government of India would take up immediately with the Secretary of State. I can inform him and I can inform the House that it was taken up then. The Government of India offered to lend military or police reinforcements to meet the situation. That offer was made then and that offer stands now.

Sir Abdul Halim Ghuznavi: What did the Government of Burma say?

Sir Girja Shankar Bajpai: The Government of Burma said that they had brought the trouble under control.—I am referring to the position when the riots had practically come to an end—and that at the moment they did not see any reason why they should look to any quarter outside Burma for the discharge of their primary responsibility for the maintenance of law and order. Now, Sir, that being the position, I submit that, in so far as immediate measures for the protection of the Indian life and property are concerned we have done all that we could. And I maintain that on the whole the record of the Government of Burma during the last few months in this respect has improved. In so far as the causes of the trouble are concerned, I regret to say that it is not possible in the twinkling of the eye, as it were, to find a solution which would meet the requirements of the case. It has been suggested in certain quarters that we might send troops to Burma for the purpose of protecting the lives of Indians there. I had occasion early in the course of my remarks to draw attention to the scattered nature of the Indian population in Burma. I think a moment's reflection will show that if we were to rely on the protection of each individual Indian in Burma by the police or the military to be sent from here, we shall have to enrol millions of people for this purpose. The solution of this problem can be found only, as I said, by the Government of Burma discharging their responsibility impartially and effectively and, even more, by the Indian community in Burma and the Burman community in Burma coming together once more in the friendly spirit which, before 1922, characterised their relations.

Sir, let me say to the House that we have given them a full and frank account of what we have done. We seek, and I venture to suggest we deserve, their co-operation. These periodic votes of censure, as far as I can make out, do not make a practical contribution to the solution of this extremely difficult problem. It may be that what we have done is not enough. There are difficulties inherent in the problem which make it impossible for

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any one to claim complete effectiveness for measures that may be applied. If we have failed, if our resourcefulness has not been equal to the occasion, surely, the least that we can ask Honourable Members is to put forward concrete suggestions and we will be prepared to consider them with the attention and the care it deserves. Apart from that, I do not think really any case has been so far made out for censuring the Government of India.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Mr.

5 P.M. President, I must confess to a feeling of disappointment at the concluding sentences of my Honourable friend, Sir Girja Shankar Bajpai's speech. I do hope that after the recrudescence of these riots in Burma the Government of India would take this House into their confidence fully and say: we have on the whole failed to guarantee protection to life and property in Burma, and, therefore, we propose to do something else and something more effective. On the other hand, he patted his own back and said "we have done all that we can, the Burma Government has done all that it can do, and we can do no more, unless you make some concrete suggestions which do not occur to us." I suggest that such bankruptcy is not worthy of a Government which claims the power and the prestige of the Government of India. I want to put it to the Government, this question: one murder at Serajevo inflamed the whole of Europe into an armagaddon, the kidnapping of one European woman set aflame the whole of the Punjab, the murder of one British Resident in one of the Orissa States brought forth a large body of troops into Orissa, and I want to ask my two Indian friends who are sitting so forlornly on the Treasury Benches, deserted by their European colleagues because Indian lives alone are involved, to ask their European colleagues and ask them this frank question: supposing a few European lives had been lost by murder in Burma, would they have kept quiet and pretend that they have done everything and that the Burma Government have done everything and that they can do nothing more and that they are helpless and would they have asked us to suggest some remedy? We will suggest, but first vacate your place. Let us take your place. We will deal with this. It seems to me unworthy of the Government to stick to their Benches, and say we can do no more and, therefore, you must suggest something else to us. Our demand is simply this: Burma was part of India till the other day and you chose to separate Burma from us. There are more than a million Indians there and they have been there for a very long time past and they have rendered distinguished and meritorious services for the development of Burma in every direction. We only want that their lives and property ought to be adequately protected. The position as disclosed by the riots is only significant. I want to inform the Government from knowledge which I have in my possession that the lives and property of Indians are not safe even in Rangoon today. Every Indian in Burma has got to walk in constant dread of what will happen next.

It seems to me that Sir Girja Shankar Bajpai was on surer ground when he talked of the immediate as against the ultimate solution. On the question of the ultimate solution, I agree that it lies in the Indian people inhabiting Burma earning the goodwill and the affection of the people of Burma and both communities, the majority and the minority living together as brothers and sisters. We have the minority problem in this country also,

and I want to say nothing which will make our problem uglier or more difficult than it is today. That is the ultimate solution. Nor can I entirely agree with my Honourable friend, Mr. James, when he descanted on the special responsibility of the Governor for the protection of the minorities and he said that that protection ought to be invoked. I will not walk into his parlour. I have a holy horror of these Governor's safeguards. No minority can long rely or ultimately rely on the safeguards of the Governors alone. The minorities ought to learn to depend upon themselves, and to get, secure, and retain the affection and goodwill of majorities, and majorities must treat minorities not only justly but generously. That is the only way in which we can solve this problem ultimately. This idea of pathetic faith in the Governor's safeguards, in spite of the provocation to us by these continual attacks on Indian life and property, we are not going to agree to. My Honourable friend asked,—what shall we do? I make him a concrete suggestion. My Honourable friend, Mr. Ayyangar, also referred to it already. The trade agreement between India and Burma terminates sometime next year. I think they have got to give notice of termination sometime this year. If the Government of India are united and strong, let them give notice to the Burma Government that this agreement will be terminated when it falls due. Since Burma has a very favourable trade balance as against us, we can conduct these trade negotiations in such a manner that India and Burma can trade together as friendly neighbours, only if the life and property of our nationals are going to be protected. I want to know why my Honourable friend did not give this House that assurance. I am sure all sections of the House will be highly gratified if the Honourable Member, who I see is present here in the House now, can give us that assurance that they shall give notice of termination of this trade agreement, and will not renew a fresh trade agreement, unless ample and adequate safeguards and guarantees are forthcoming for the protection of Indian life and property in Burma.

I am glad that my Honourable friend, Mr. James, paid a tribute to the Provincial Governments in the maintenance of law and order. But we feel that in this matter the Government of Burma ought to be told by the Government of India that their duty to maintain law and order includes their duty to protect Indian nationals in that country. Since there is a common Secretary of State for India and for Burma, I should like to know what Lord Zetland is doing. Whenever we ask any question, a veil of secrecy is being drawn over all of them. "Have you addressed the Secretary of State"? Yes, is the answer. "Will you tell us what you have said"? No, is the answer. "Will you tell us what he has said"? "It is not in the public interest", is the answer. I want to know whether the Government of India have addressed Lord Zetland, who happens to be the Secretary of State for India and for Burma simultaneously, and what is his reply to this demand of the House for proper and fair treatment to Indians there. My Honourable friend, Sir Girja Shankar Bajpai, said in answer to a suggestion made by Mr. James, at the last Session, when this question came up before us that the offer of the Government of India to send troops down to Burma or extra police to Burma still remains and is still open. I want to know what has been the reaction of the Secretary of State for Burma to this. Has he accepted the offer? Is it the case of the Burma Government that they have proper powers but will not exercise them or is it the case of their not having enough troops or enough police to deal with this?

Sir Girja Shankar Bajpai: If I might interrupt my Honourable friend for a minute, I had given an answer to that question on a point which was made I think by my Honourable friend, Sir Abdul Halim Ghuznavi. I stated that we had been informed that the Burma Government felt that they had adequate forces at their disposal.

Mr. S. Satyamurti: Did the Government of India accept that position when these riots take place months after the assurances were given and when Indian life and property are not secure even in Rangoon? It does seem to me that their acquiescence in that position shows a callousness—I am sorry to use that word—although they profess a great sympathy, I take them at their professions, but it does seem to me that they ought to have been more sensitive to the grievances and the wrongs of our people in Burma and taken definite and active steps. My Honourable friend asked a question as to what has not been done between the last debate and this debate on this matter. We put them forward in this House and my Honourable friend, Sir Girja Shankar Bajpai, dealt with those demands in his speech. The Honourable Sir Jagdish Prashad said on the last occasion:

“I may tell the House at once that the objective which Honourable Members opposite have and which Honourable Members on this side have is much the same, namely, that we want that the life and property and the honour of our nationals in Burma should be safe, that those who have hitherto lived in peace and harmony and have done so much for the economic development of that country should be allowed to make their own contribution to the further development of Burma.”

Then, after giving that assurance, he also said:

“I may inform the House that we intend to take up with the Secretary of State and with the Government of Burma the question of compensation.”

I should like to know where the matter stands. I should like to know whether an investigation has been made and any figures arrived at as to the amount of loss by way of property of Indians during the last riots, whether any attempt has been made to assess the compensation, and whether the compensation will be paid to Indian sufferers in the last riots.

The last point made was with regard to the Agent in Burma. My Honourable friend, Mr. James, answered Mr. Ayyangar's question about the European Agent by saying that after all the Government of Madras made this recommendation of European Agent. On that matter, I want to introduce no racial bias at all, but I do suggest that we must have an Agent with a bigger and higher status; and I suggest very earnestly to the Government of India to send a distinguished high Indian non-official who will command the respect and the confidence of all communities and will be able to represent the Government of India not only on paper, not only in theory but in fact; and the entire authority of the Government of India must be behind him. I also endorse the suggestion of Mr. James that either the Member or his able Secretary should go and try his persuasive powers with the Government and the people of Burma and not waste them on this desert House all the time. We are not convinced at all by your argument, try it elsewhere; go to Burma, talk to the people and the Government there, and see that they respect the honour, the property, and the lives of Indians there. It is no pleasure to us, as Sir Girja Shankar Bajpai said, to move and pass these votes of censure again and again. But what else can we do? Will my Honourable friend suggest something? Are we to tell them, “You have done well, you can do no more; who dares do more is none” and, therefore, let Indian lives and property be

sacrificed". I suggest, Sir, that any self-respecting party or Member of this House has no option but to bring up this matter again and again, and force it on the attention of the Government of India, in order that they may in their turn bring it to the notice of their master in Whitehall, the Secretary of State, so that we may at least feel that we have done and are doing everything in our power to see that the interests, the honour, and the safety of our nationals in Burma are amply secured.

The Honourable Kunwar Sir Jagdish Prasad (Member for Education, Health and Lands): Sir, my Honourable friend, Mr. Satyamurti, expressed some disappointment at the concluding portion of the speech of my Honourable friend the Education Secretary. With some hesitation and without meaning any offence to my Honourable friend I may express also a little disappointment not only at the commencement of his speech but at its middle part and also at its concluding portion. My Honourable friend in ending his speech told the House and the public outside that whatever men on the Government Benches may say here carries no weight with those on the other side but perhaps if they cross the seas the Burmans may be more easily taken in than are members of the Opposition here.

Sir, I acknowledge that this question which arouses,—and very naturally so,—such anxieties in this House and outside has been dealt with on the whole with moderation and restraint. The speeches that have been made express the anxiety not only of this House but an anxiety which is shared by a large section of Indians in Burma not only with regard to the present, whether their life and property will be safe, but deep anxiety as to the future. They feel that there is a school of political thought in Burma which may adopt as its programme the eviction of Indians from Burma by violent means. They wish to know whether this large body of Indians, which in the times when Burma was undeveloped did so much by its capital, labour and enterprise to develop it will be allowed to make further contributions to its prosperity or whether they would find conditions of living made intolerable for them. That I think, Sir, is a very natural alarm. There is no doubt that, as the report of the Burma Inquiry Committee shows, there is a section which under the guise of nationalism is preaching a crusade against the Indians, that they are using all the well-known devices of creating mass discontent and mass violence,—the youth leagues, violent newspaper articles, utilising religious and social prejudices, etc., in order to create a feeling of hostility to the Indians. I take it that it is the position of Honourable Members opposite, as it would be of all reasonable men, that what the Indians desire is that while legitimate grievances should be removed they should not be used as a pretext for expropriation, that in giving relief where relief is necessary it should be accompanied with justice. Nobody desires that the Burman should not have the right of utilising to the full the resources of his own country, but what the Indians ask for is that they should be allowed to continue as a peaceful minority and should have all the protection which a minority which conducts its business and makes its contribution to the material and also to the intellectual welfare of the country deserves.

Now, Sir, I come to one or two particular questions that my Honourable friend, Mr. Satyamurti, and other speakers in this House have asked. As regards the question of compensation, if my Honourable friends will turn to the interim report of the Inquiry Committee, one of the terms of

[Kunwar Sir Jagdish Prasad.]

reference of the Inquiry Committee is the loss of property caused and the damage done; and I am sure that when this inquiry is complete this question will be further examined. I can also assure my Honourable friends that we have already brought this matter to the notice of the Secretary of State for Burma. Then as regards the question of the Agent, I quite recognise that in the altered conditions of Burma now and with a situation so delicate, the position of our Agent is one of extreme importance and of great responsibility, and the person who goes there as our Agent can make a large contribution in promoting good will between the Indians in Burma and Government, and naturally his status and personality are of the greatest importance. That is a point of view which is constantly before us.

I should like to make an appeal now to the good sense of all the people in Burma. I think they must realise that with the growth of nationalism in this country and with increased political power the welfare of our nationals abroad, whether in Burma or in Ceylon or in Malaya or elsewhere, is a source of constant concern to the people of this country and that Governments here cannot allow the unredressed and legitimate grievances of our nationals abroad to go unchallenged. I hope that the common sense and the spirit of compromise of the two peoples there will bring about a state of feeling when it may never be necessary to use weapons to which reference has been made by certain speakers in this House today. But I am not concealing from myself circumstances arising if the situation does not improve, if national antagonism and racial bitterness continue and if a feeling grows both in India and in Burma that no justice can be obtained by peaceful methods, the time may come when there may be an insistent demand on the Indian Government to take stronger measures, and that embittered racial feelings between Burmans and Indians may lead to serious reactions on the very important trade relations between this country and Burma. That would indeed be a misfortune. My Honourable friend, Mr. Satyamurti, said that in spite of our professions we were callous. I can assure him in all sincerity that there is no trace of callousness in us. We fully recognise our responsibilities. I should now like to inform the House that I have just had a telegram from our Agent in Burma. He tells us that the information that appeared in some papers that some Indians were killed at Monywa is incorrect, that there were only five or six Indians seriously injured, that the situation is absolutely quiet since the 22nd of January and that additional police were despatched there immediately. This is what he says: "All possible protection given to Indians. All quiet since the 22nd of January." In Rangoon too there has been an improvement in the strike situation. As regards the action taken against newspapers, three newspapers had their securities forfeited—I need not read out their names. An editor was arrested under the Emergency Act: so that the Government of Burma are using the weapons which governments use when they are faced with grave disorders—orders under section 144, drafting of additional police, action against the press and so on. I have every reason to believe and hope that the Government of Burma will continue to watch the situation carefully and wherever disorder arises they will deal with it promptly and effectively. I have taken this censure motion as an expression of the anxious desire of this House that the situation in Burma should settle down as quickly as possible; but as its terms imply a motion of censure against

the Government of India I must oppose it. I hope I have been able to convince the House that far from meriting censure we deserve some slight marks of approbation from Honourable Members opposite.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I was greatly disappointed at the speech of the Education Secretary. This is an occasion when feelings are more important than rhetoric. No doubt he spoke in flashing language but he did not give the impression that he was feeling for the Indians in Burma. This happened on the 18th January according to his own statement and the Government did not issue any bulletin for the public on what happened and steps they have taken or propose to take. He only came forward with an explanation when an adjournment motion is brought forward here. We should remind the Government of Burma that we have been very generous to the Burmese people. When the question of financial separation was considered Burma got a very large amount which they ought not to have got. I was myself a member of the sub-committee which dealt with the matter and I can say that Burma was very generously treated. In addition there is a trade agreement which is undoubtedly to the advantage of Burma; and further, we have undertaken to protect Burma from foreign attacks without their having to maintain an army: they are relieved from army expenditure and we are maintaining an army for their protection. These advantages we have given to them. May I ask whether the Government have ever discussed this question in the Executive Council or with the Secretary of State, that they would put the screw on the Burmese Government if they do not properly protect the lives and property of Indians in Burma? On the last occasion also the Government of India did not move at all till a motion of adjournment was brought up in this House. It was after that motion and after repeated questions that an Agent was appointed there and, as pointed out by my Honourable friend, his status is not sufficiently high to induce the Burmese Government to look after the interests of Indians there. Another point is, that whatever the causes may be, as pointed out by my friend, Mr. Ayyangar, in all these incidents it is only the Indians who are killed and never the Burmans. When these facts are pointed out, I think the Members in charge in the Government of India who are the custodians of the lives and property of the Indians in foreign countries ought to rise to the occasion and feel their responsibility and act. If they are incapable of doing it, they should plainly tell us that they cannot do anything; and then we will see what we can do to help them. We know how to act and we will deal with the matter. On the last occasion when we discussed this adjournment motion I appealed to the European Group and asked them what they would have done if an Englishman had been killed in any other country. Mr. James on that occasion stood up, spoke feelingly and said that he was quite prepared to support this motion and do the same thing for us that he would do in the case of an Englishman. I wish that our representatives in the Government of India realised this difficulty. They should rise to the occasion and not get entangled in official files but see that the lives of Indians abroad are valuable lives and should be properly protected. Let them come forward and say that we did all that we could do but we could not achieve our object. At present I should like to know whether they discussed this question of repealing the trade agreement and whether India should take the responsibility of protecting Burma as at present and what other steps they have taken. As far as we know, nothing

[Dr. Sir Ziauddin Ahmad.]

has been done yet. When we come here and raise this question on the floor of the House, then and then alone our representatives on the Treasury Benches come forward with sweet speeches, and crocodile tears. They really don't show that they feel in this matter to the same extent as they ought to feel.

Mr. M. Asaf Ali (Delhi: General): I move that the question be now put.

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands the Mover of this motion wants to reply.

Sir Abdul Halim Ghuznavi: Sir, my Honourable friend, Mr. Satvamurti, had put a pointed question to the Honourable the Member for Education. My friend asked him: 'Are you prepared to make a statement on the floor of the House today that you would give notice to the Burma Government to conclude the agreement and that you would not continue that agreement till you are satisfied that the lives and property of Indians settled there are safe in Burma', but to this question the Honourable the Education Member gave no reply. His reply contained all sweet words and nothing else. Mr. President, we heard two speeches today from the Treasury Benches, those speeches were full of sympathy, but they carried us no further. Under the circumstances, we must press this motion to a division.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Assembly do now adjourn."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 6th February, 1939.

CORRIGENDUM.

In the INDEX to the Legislative Assembly Debates, Volumes VII and VIII, 1938 (Special November-December Session), page 14, second column, before "BHOTIA(S)" insert the following:

"BHAGCHAND SONI, RAI BAHADUR SETH—

Ajmer-Merwara Municipalities Regulation (Amendment) Bill—
Motion to consider. 3010".

LEGISLATIVE ASSEMBLY.

Monday, 6th February, 1939.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBER SWORN.

Mr. John Herbert Thomas, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

REPORT ON THE POSSIBILITIES OF THE LEVY OF DEATH DUTIES.

88. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Finance Member state :

- (a) whether Mr. Lloyd (now Sir Alan Lloyd) has submitted his report on the possibility of the levy of death duties;
- (b) if so, whether Government have considered the report; and
- (c) to what conclusions they have come to?

The Honourable Sir James Grigg: With your permission, Sir, I will answer this question and Nos. 96 and 113 together.

Sir Alan Lloyd has not yet completed his report on the possibility of imposing death duties in India. When I have received the report I will consider the question of placing it before the House. Until I know the attitude of the Provincial Governments on this subject I am entirely unable to say whether any legislation will be brought forward, in this Session or later.

Mr. T. S. Avinashilingam Chettiar: May I know whether any Provincial Governments have communicated their opinions to him over this matter till now?

The Honourable Sir James Grigg: To me?

Mr. T. S. Avinashilingam Chettiar: Yes.

The Honourable Sir James Grigg: Not to me. I have some expectation that the attitude of the Provincial Governments will be made clear in the report.

Mr. K. Santhanam: May I know if Sir Alan Lloyd has completed his discussions with the Provincial Governments?

The Honourable Sir James Grigg: I think he has seen most of the Provincial Governments, not all of them.

Mr. K. Santhanam: May I know which are the Provincial Governments he has not discussed this matter with?

The Honourable Sir James Grigg: The Honourable Member had better give me notice of that. I think the Punjab, the North-West Frontier Province, Assam, and possibly there may be another, I do not know.

Mr. Manu Subedar: May I know whether the discussion is taking place on a draft Bill or whether the discussion is taking place in a general manner?

The Honourable Sir James Grigg: Certainly a memorandum was furnished as a basis of discussion. As far as my recollection goes, there was no question of a draft Bill, but there were heads of proposals, outlines of a scheme.

Mr. K. Santhanam: May I know if the trend of conversations so far has convinced my Honourable friend that further investigation in the matter is worth while?

The Honourable Sir James Grigg: The Honourable Member had better wait a little and see. I would not like to give him any misleading account of the views of the Provincial Governments.

Mr. T. S. Avinashilingam Chettiar: When do Government expect the report from Sir Alan Lloyd?

The Honourable Sir James Grigg: Before I leave India.

Mr. S. Satyamurti: May I know whether the terms of reference to Sir Alan Lloyd include prominently consideration of the opinions of Provincial Governments concerned who are the most interested parties and whether the report will be based on the reactions of the Provincial Governments to his proposals?

The Honourable Sir James Grigg: He has not had any formal terms of reference, but his work was undertaken at the request of some of the Provincial Governments at the time of the first Finance Ministers' Conference.

Mr. Manu Subedar: May I know whether the question of federal surcharges on these duties is also being discussed with Provincial Governments?

The Honourable Sir James Grigg: I do not think it is necessary. Once the legislation is there the possibility of federal surcharges falls under the ordinary provisions of the Government of India Act, and I believe under the Instrument of Instructions federal surcharges have to be discussed with the Provincial Governments before they are imposed. That is my recollection, but I speak from memory.

REPORT OF THE CHATFIELD COMMITTEE.

89. **Mr. T. S. Avinashilingam Chettiar:** Will the Defence Secretary state :

- (a) whether the Chatfield Committee have submitted their report;
- (b) whether Government have considered the report;
- (c) what are their main recommendations; and
- (d) whether the report will be published?

Mr. O. M. G. Ogilvie: (a) Government are unable to say.

(b) and (c). Do not arise.

(d) No.

Mr. T. S. Avinashilingam Chettiar: Am I to understand that Government are unable to say whether the Chatfield Committee have submitted their report?

Mr. O. M. G. Ogilvie: Yes.

Mr. T. S. Avinashilingam Chettiar: May I know to whom they are to submit their report? To the Government of India or to the Government in England?

Mr. O. M. G. Ogilvie: To His Majesty's Government.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Honourable Member has seen the press report that their report has been submitted?

Mr. O. M. G. Ogilvie: I have seen a press report to the effect that it will be submitted shortly. I do not know whether it has been submitted today or not.

Mr. T. S. Avinashilingam Chettiar: May I know whether the report is to be considered by the Government of India or by the Government of England?

Mr. O. M. G. Ogilvie: By His Majesty's Government.

Mr. Abdul Qaiyum: Will it be simultaneously presented in India?

Mr. O. M. G. Ogilvie: No. It will be presented only to His Majesty's Government.

Mr. S. Satyamurti: May I know whether the Government of India will have an opportunity of representing their point of view to His Majesty's Government, before that Government consider this report and pass their final orders thereon?

Mr. O. M. G. Ogilvie: I cannot see that that arises out of this question.

Mr. S. Satyamurti: It does arise. Clauses (b) and (c) of the question are to this effect, "Whether Government have considered the report", and "What are their main recommendations?". My Honourable friend said

that this Government will not get a copy of the report that will be submitted to His Majesty's Government. I am asking whether this Government, that is, the Government intended in this question, namely, the Government of India, will have an opportunity of making their representations to His Majesty's Government, before they consider and pass final orders on the Committee's report?

Mr. O. M. G. Ogilvie: I am afraid I still do not see that that arises from this question.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think it strictly arises.

Mr. S. Satyamurti: I am asking whether this Government will have any opportunity or chance of considering the recommendations of this Committee and making their representations to His Majesty's Government before the latter pass final orders thereon.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think that that arises strictly out of the question.

Mr. K. Santhanam: May I know whether the report will be published simultaneously both in India and in England?

Mr. O. M. G. Ogilvie: No.

Mr. T. S. Avinashilingam Chettiar: May I know whether he is in a position to state whether it will be published at all?

Mr. O. M. G. Ogilvie: I have answered that question categorically.

Mr. T. S. Avinashilingam Chettiar: May I know whether the final decisions in this matter, the question of considering and coming to a conclusion on the report, rest with the Government of India or His Majesty's Government?

Mr. O. M. G. Ogilvie: I did not quite follow the Honourable Member's question.

Mr. T. S. Avinashilingam Chettiar: May I know whether the final decisions that will be taken over the Committee's recommendations rest with the Government of India or His Majesty's Government?

Mr. O. M. G. Ogilvie: That I submit does not arise from this question.

Mr. S. Satyamurti: May I know whether the Government of India will address His Majesty's Government and request them to give them an opportunity of addressing them on the recommendations of the Committee, before His Majesty's Government pass their final orders thereon?

Mr. O. M. G. Ogilvie: That, again, I submit, does not arise out of this question.

Mr. President (The Honourable Sir Abdur Rahim): Next question.

TRANSFER OF UNITS OF BRITISH TROOPS FROM INDIAN TO BRITISH ESTABLISHMENT.

90. *Mr. T. S. Avinashilingam Chettiar: Will the Defence Secretary state :

- (a) whether there is any proposal to transfer some more units of the British troops in India from the Indian to the British establishment;
- (b) if so, how many units and from when; and
- (c) to what extent this will relieve the Indian exchequer?

Mr. O. M. G. Ogilvie: (a), (b) and (c). The whole question is at present being examined. I am, therefore, unable to make any statement at present.

Mr. T. S. Avinashilingam Chettiar: May I know if by examination the Honourable Member means whether they are in direct communication with His Majesty's Government over the matter, or it has been referred to the Chatfield Committee?

Mr. O. M. G. Ogilvie: The only answer that I can give is that the question is being examined.

Mr. T. S. Avinashilingam Chettiar: May I know whether Government have put forward any proposals on the subject referred to in clause (a) of the question?

Mr. O. M. G. Ogilvie: I cannot give the Honourable Member any information as to what proposals the Government of India have or have not put forward in this regard.

Mr. T. S. Avinashilingam Chettiar: May I know how long this matter has been under consideration?

Mr. O. M. G. Ogilvie: For some few months.

Mr. K. Santhanam: May I know by whom it is being examined?

Mr. O. M. G. Ogilvie: By the authorities competent to examine it in this country and in England.

Mr. K. Santhanam: May I know who are the authorities in this country who are competent to examine this.

Mr. O. M. G. Ogilvie: The Government of India, that is to say, the Governor General in Council.

Mr. K. Santhanam: May I know who are the authorities in England who are competent?

Mr. O. M. G. Ogilvie: His Majesty's Government.

Mr. K. Santhanam: May I know what His Majesty's Government have to do with this?

Mr. President (The Honourable Sir Abdur Rahim): That is an argument.

Mr. T. S. Avinashilingam Chettiar: May I know when the Honourable Member expects to come to a conclusion on this matter?

Mr. C. M. G. Ogilvie: I cannot possibly answer a hypothetical question like that.

Mr. S. Satyamurti: May I know the reasons why Government will not tell this House what proposals are being considered to transfer some more units of the British troops in India from the Indian to the British establishment?

Mr. C. M. G. Ogilvie: Government do not feel called upon to answer a question of that kind in the absence of any decision in the matter. It is not Government's custom to publish in advance proposals which are still under discussion.

Mr. T. S. Avinashilingam Chettiar: Are Government aware that the public opinion of this country will support the Government very strongly if they publish their proposals?

Mr. C. M. G. Ogilvie: That is a matter of opinion.

MILITARY PILOTS IN THE AIR FORCE.

91. *Sardar Sant Singh: Will the Defence Secretary be pleased to state :

- (a) the total number of military pilots in the Air Force in India;
- (b) the number of (i) Indians, (ii) statutory Indians, and (iii) British and other foreigners;
- (c) the various ranks held by them; and
- (d) the number under each category undergoing training in England and in India?

Mr. C. M. G. Ogilvie: (a), (b) and (d). There are 18 Indian officers in the Indian Air Force. Of these, twelve have joined the unit, three are under training in the United Kingdom and three under training at No. 4 Flying Training School, Abu Sueir, Egypt. One British officer of the Royal Air Force is attached to the squadron until such time as the Indian officers acquire sufficient seniority and experience.

(c) I refer the Honourable Member to Air Force Instruction (India) No. 69 of 1938 which contains a list of officers serving in the Indian Air Force, a copy of which is in the Library.

Sardar Sant Singh: May I know how many of them are statutory Indians?

Mr. O. M. G. Ogilvie: All of them are Indians.

Mr. M. Asaf Ali: With reference to (b), the Defence Secretary has not stated how many foreigners are being trained as pilots in the Indian Air Force?

Mr. O. M. G. Ogilvie: There are no foreigners trained as pilots in the Indian Air Force.

Sardar Sant Singh: May I know if any steps are being taken to train more pilots for the Air Force in India as the present number is very inadequate?

Mr. O. M. G. Ogilvie: The numbers trained are the numbers required to fill up the squadron.

Mr. Lalchand Navalrai: May I know if the ranks of Indians and Europeans are alike?

Mr. O. M. G. Ogilvie: They are precisely the same.

AIRCRAFT TRAINING TO AFGHANS IN INDIA.

92. *Sardar Sant Singh: (a) Will the Defence Secretary please state if it is a fact that subjects of the Government of Afghanistan are being trained in India? If so, since when such training was started and at which places?

(b) How many Afghans have been trained so far? How many of them are receiving such training at present?

(c) Who bears the expenses of such training? What has been the cost per student so far, and the total amount spent?

(d) Are any Indians being given training in the same centres along with Afghan students? If so, how many Indians have so far been trained along with Afghan students? If not, why not?

(e) Has the training of Afghans in India been due to some treaty with the Government of Afghanistan? If so, will the Defence Secretary lay the text of the treaty or agreement (whatever it may be) on the table of the House?

Mr. O. M. G. Ogilvie: (a) to (e). A number of Afghan pilots have been and are being trained. It is not in the public interest to give further information or to answer the remainder of these questions.

Sardar Sant Singh: May I know if the Afghans can be trained in India, how is it that Indians cannot be trained in India for this?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of argument.

Mr. S. Satyamurti: Surely we are entitled to know how the Indian taxpayer's money is being spent to train non-Indians here?

Mr. O. M. G. Ogilvie: I have stated that it is not in the public interest to answer the remainder of these questions.

Mr. S. Satyamurti: Are we not entitled to know how much money we are spending on these non-Indians?

Mr. O. M. G. Ogilvie: No.

Dr. Sir Ziauddin Ahmad: May I know who bears the cost of this?

Mr. O. M. G. Ogilvie: The answer I gave to the question must be taken to cover this also.

Mr. K. Santhanam. May I know if this expenditure is met from the secret service fund?

Mr. O. M. G. Ogilvie: I cannot give the Honourable Member any information as to the source.

Sardar Sant Singh: On a point of order. May I know whether the phrase "public interest" covers even the money which is spent from the exchequer of India. Are not Government called upon to answer even this simple question?

Mr. President (The Honourable Sir Abdur Rahim): That is for the Government to decide.

Mr. S. Satyamurti: Will the Honourable the Finance Member enlighten us as to under what head of the budget this expenditure is met?

The Honourable Sir James Grigg: I am not prepared to answer that question.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government of India are under any treaty obligations to give this training to the Afghans?

Mr. O. M. G. Ogilvie: I am not prepared to answer that question.

Mr. Badri Dutt Pande: Are there other nationals being trained at our cost?

Mr. O. M. G. Ogilvie: I believe not at present.

Pandit Krishna Kant Malaviya: Are 60 Afghans being trained at Delhi and 60 at Karachi?

Mr. O. M. G. Ogilvie: I cannot answer that question, though I will indicate that the insinuation contained in that question is wide of the mark.

Mr. S. Satyamurti: What is the "insinuation"?

Mr. O. M. G. Ogilvie: That there are certain numbers.

Sardar Sant Singh: May I know if there are any secret treaties with Afghanistan which it is not in the public interest to disclose?

Mr. C. M. G. Ogilvie: If they are secret, how can I tell you?

PURCHASE OF AEROPLANES FROM IRAQ AND EGYPT.

93. *Sardar Sant Singh: (a) Will the Defence Secretary be pleased to state if the Defence Department has purchased, or intends to purchase, aeroplanes and other aircraft from the Governments of Iraq and Egypt?

(b) In case the same have been purchased, what is the number, make and the year of manufacture and the type of the machines purchased so far and the price per machine paid?

(c) What are the grounds which led the Department to make such purchases from these Governments which do not manufacture such machines?

Mr. C. M. G. Ogilvie: (a) No.

(b) and (c). Do not arise.

AEROPLANES IN USE IN INDIA.

94. *Sardar Sant Singh: Will the Defence Secretary please state:

(a) the types of aeroplanes used by the Department in India;

(b) the type used by the Indian section of the Air Force in India and the type used by the British section;

(c) the year of manufacture and the name of manufacturer of each type;

(d) the number of machines of each type used by (i) Indians and (ii) Britishers; and

(e) whether the Department intend to replace these types by new improved types; if so, when?

Mr. C. M. G. Ogilvie: (a) to (e). It is not in the public interest to supply the information required by the Honourable Member.

Mr. S. Satyamurti: On a point of order. Are we not entitled to know whether there are any obsolete and obsolescent machines which have been purchased at the taxpayers' expense?

Mr. President (The Honourable Sir Abdur Rahim): When the Honourable Member for the Government says it is not in the public interest, it must be taken as such.

Mr. S. Satyamurti: Please give us some suggestion on this?

Mr. President (The Honourable Sir Abdur Rahim): Public interest is a phrase the meaning and scope of which differ according to circumstances.

Mr. Manu Subedar: May I know if obsolete machines condemned by the United Kingdom are not being dumped into India?

Mr. C. M. G. Ogilvie: The United Kingdom is not in the habit of dumping obsolete stores of any kind.

Mr. S. Satyamurti: Are not the Government of India, being a subordinate branch of the British Government, in the habit of being compelled to buy obsolete machines from the United Kingdom?

Mr. O. M. G. Ogilvie: I do not think that question arises from the question as put but the Honourable Member can be quite sure that the Government of India do not buy anything which they do not want.

Mr. M. Asaf Ali: Are the Indian Air Force and the Royal Air Force using the same kind of machines?

Mr. O. M. G. Ogilvie: Yes, precisely.

Mr. Manu Subedar: May I know whether the Government of India have any choice in this matter or whether the types are fixed by the War Office?

Mr. O. M. G. Ogilvie: That question does not definitely arise.

Mr. Lalchand Navalrai: The Honourable Member has not answered clause (e)?

Mr. O. M. G. Ogilvie: I have already given the answer.

TIME TAKEN BY A PILOT OFFICER TO REACH CERTAIN RANKS.

95. *Sardar Sant Singh: (a) Will the Defence Secretary state the time taken by a pilot officer to reach, under normal conditions, the rank of (i) Flying Officer, (ii) Flight Lieutenant; and (iii) Squadron Leader in the case of (1) an Indian (2) Britisher?

(b) What is the salary of each rank and the normal annual increment?

Mr. O. M. G. Ogilvie: (a)

Rank.	Indian.	British.
Flying Officer . .	2 years . . .	1½ years.
Flight Lieutenant . .	5 years . . .	4 years.
Squadron Leader .	Under consideration .	No time scale is laid down but Flight Lieutenants on completion of three years service in that rank are eligible for consideration for promotion to the rank of squadron leader.

(b) The required information is contained in the Pay and Allowance Regulations for the Air Forces in India, a copy of which is in the Library.

REPORT ON THE POSSIBILITIES OF THE LEVY OF DEATH DUTIES.

†96. *Sardar Mangal Singh: Will the Honourable the Finance Member please state :

- (a) whether enquiries into the possibilities of imposing death duties in India have been completed; and
- (b) whether any legislation will be brought forward before this Session ends?

†For answer to this question, see answer to question No. 88.

PERSONS APPROACHED FOR MEMBERSHIP OF THE ARMY COMMITTEE.

†97. ***Sardar Mangal Singh:** (a) Will the Defence Secretary please state how many persons in all were approached, formally or informally, for the membership of the Army Committee (commonly known as the Sandhurst Committee)?

(b) What were the grounds on which the leaders of the Congress and the Muslim League Parties refused the co-operation of their Party members?

Mr. C. M. G. Ogilvie: (a) Sixteen non-officials and two officials.

(b) The Muslim League Party withheld its co-operation because they were not satisfied with the terms of reference or the personnel as originally proposed. It is believed that the Congress Party declined because the Committee did not include a majority of elected Members of the Central Assembly.

REPORT OF THE CHATFIELD COMMITTEE.

†98. ***Sardar Mangal Singh:** (a) Will the Defence Secretary please state whether the report of the Chatfield Committee would be submitted to His Majesty's Government, or to the Government of India?

(b) When is the report expected to be published?

(c) Will an opportunity be given to this House to discuss the report?

(d) Has any elected member of this House agreed to serve on this Committee?

(e) When is the report of the Committee likely to be published?

Mr. C. M. G. Ogilvie: (a) His Majesty's Government.

(b) and (e). I refer the Honourable Member to the reply I have just given to part (d) of Mr. Chettiar's question No. 89.

(c) No.

(d) No.

EUROPEANS AND INDIANS IN THE INDIAN POLICE.

99. ***Mr. Abdul Qaiyum:** Will the Honourable the Home Member please state :

(a) the number of Europeans and Indians in the Indian Police on the 1st February, 1939;

(b) the number of Europeans and Indians recruited to the Indian Police in 1938; and

(c) whether any share in the above service has been fixed for non-Indians; if so, what that share is and when was it last fixed?

The Honourable Mr. R. M. Maxwell: (a) The latest figures are not readily available. On the 1st January, 1938, however, the number of Europeans and Indians in the Indian Police was 416 and 177 respectively.

(b) Eighteen Europeans and eight Indians were directly recruited and six Indians were promoted to the Indian Police from the Provincial Police Service in 1938.

(c) I presume that by the term 'non-Indian' the Honourable Member means Europeans and that he wishes to know their rate of recruitment to the Indian Police. If so, it is 50 per cent. This was fixed in 1925.

Mr. Abdul Qaiyum: With reference to part (b) of the question, may I know why this 50 per cent. ratio was not adhered to in 1938?

The Honourable Mr. R. M. Maxwell: The departure from that ratio depends mainly on the provision made for listing posts for recruitment from the provincial service. The listing of posts depends on certain circumstances which are not constant from year to year, but the listing of the complete number of posts is aimed at by the year 1949.

Mr. Abdul Qaiyum: May I know whether those circumstances which were unfavourable to Indians were the result of mere accident last year?

The Honourable Mr. R. M. Maxwell: Certainly there was no design about it.

Mr. Abdul Qaiyum: May I know if the fifty per cent. has been adhered to ever since this number was laid down?

The Honourable Mr. R. M. Maxwell: Till 1936 the number of Europeans and Indians directly recruited was 140 to 85, which is the exact proportion laid down.

Mr. Abdul Qaiyum: May I know whether Government will review this ratio which they have laid down and decide for complete Indianisation?

The Honourable Mr. R. M. Maxwell: That does not arise out of this question.

Mr. K. Santhanam: Has any Provincial Government asked for the revision of this ratio?

The Honourable Mr. R. M. Maxwell: Not so far as I am aware.

TRAGEDY AT WALAT NEAR NOWSHERA.

100. ***Mr. Abdul Qaiyum:** Will the Defence Secretary please state:

- (a) the latest reliable information about the tragedy at Walat near Nowshera, North-West Frontier Province, on or about the 24th November, 1938, when so many officers lost their lives;
- (b) the reasons which led to this tragedy; and
- (c) whether any inquiry has been held; if so, what are its findings, and whether its report will be made public?

Mr. O. M. G. Ogilvie: (a), (b) and (c). I refer the Honourable Member to the press communiqué dated the 5th January, 1939, on the subject, a

copy of which is placed on the table of the House. The report of the court of enquiry is a confidential document and will not be made public.

GOVERNMENT OF INDIA.

DEFENCE DEPARTMENT.

New Delhi, the 5th January, 1939.

His Excellency the Commander-in-Chief has received the report of the Court of Enquiry into the recent shooting outrage at Nowshera, in the course of which four British and three Indian officers were killed and two British officers seriously wounded.

The result of the enquiry is to establish that the shootings were the work of a single sepoy—Dost Muhammad—who ran amok in the early hours of the 24th November. No motive for his action has been established. It is also proved that Sepoy Dost Muhammad was shot when endeavouring to escape from the camp.

The behaviour of the Quarter Guard, which took no steps to apprehend the murderer was highly discreditable, and the enquiry has established that the general discipline of the battalion left much to be desired.

The necessary disciplinary action is being taken.

Mr. Abdul Qaiyum: May I know how many officers were killed in this particular tragedy?

Mr. C. M. G. Ogilvie: I refer the Honourable Member to the press communiqué. The total number was seven.

Mr. Abdul Qaiyum: May I know, with reference to part (b) of the question, whether it is a fact that Dost Muhammad merely wanted leave to offer Id prayers, and, as this leave was refused, he resolved to this course. It is so well-known on the Frontier, in fact—it is generally believed that this refusal of the leave led to this tragedy and also due to the fact that the manœuvres were held in the month of Ramzan unnecessarily, and hence this unfortunate tragedy which resulted in such a terrible loss of life?

Mr. C. M. G. Ogilvie: The Honourable Member is entirely mistaken; as he will see from the communiqué, no motive for the action of the murderer has been established.

Mr. Abdul Qaiyum: Is it not a fact that Dost Muhammad asked his immediate officers that he should be granted leave to offer his Id prayers?

Mr. C. M. G. Ogilvie: He certainly made no such request.

Mr. Abdul Qaiyum: May I inform the Honourable Member

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not supply any information.

Mr. Abdul Qaiyum: Is there any provision whereby it will be possible not to hold manœuvres during the month of Ramzan or on the occasion of Id prayers, at least during normal times?

Mr. C. M. G. Ogilvie: I fail to see how that arises.

AFFAIRS IN WAZIRISTAN.

101. *Mr. Abdul Qaiyum: Will the Defence Secretary please state:

- (a) the latest state of affairs in Waziristan;
- (b) the total amount spent on Waziristan operations from the 1st April, 1938, to the 1st February, 1939;
- (c) the number killed and wounded among the troops in the period mentioned in part (b);
- (d) whether any reduction has been made in the number of troops in that area; if so, to what extent;
- (e) the number of troops which constitute the normal garrison in that area; and
- (f) the number actually stationed there in December, 1938?

Mr. C. M. G. Ogilvie: (a) I refer the Honourable Member to the press communiqué issued on the 26th January, 1939.

(b) The extra expenditure incurred between the 1st April and 31st December, 1938, amounts to about Rs. 30 lakhs. Figures for January, 1939, will be available at the end of this month.

(c) Killed—55.

Wounded—200.

(d) None, as conditions have remained unsettled.

(e) 18,222.

(f) 23,678.

Mr. Abdul Qaiyum: Is the Honourable Member aware that in spite of this large increase in troops in Waziristan it is not possible to travel in the afternoon even in three of the settled districts?

Mr. C. M. G. Ogilvie: I fail to see how that arises from this question.

INDIANISATION OF ARTILLERY.

102. *Mr. Abdul Qaiyum: Will the Defence Secretary please state.

- (a) whether he has read the following statement by Mr. Graham Pole:

“British policy purposely excluded Indians from the scientific branches of the army in general and from the artillery in particular. The reason for this is to be found in meeting psychology. Lord Ellenborough, who had been Governor-General of India, told the Peel Commission, ‘It appears to be the concurrent opinion of all men that we should keep the artillery wholly in our own hands. The natives have a genius for casting and working guns, and we should not afford them means of indulging in it. The natives die at their guns. Their practice in this war (mutiny) is allowed to have been at least as good as our own’ ”;

- (b) what is the policy of Government in the matter of Indianisation of the artillery;

- (c) whether Government still adhere to the policy enunciated in part (a) and, if so, the reasons therefor;
- (d) what is the total artillery strength in India at present, and what percentage of it is Indian; and
- (e) whether Government are prepared to take speedy steps to completely Indianise the artillery?

Mr. C. M. G. Ogilvie: (a) Yes.

(b) Government's present policy is to Indianise completely the equivalent of one division of all arms. In accordance with this policy, two regiments of field artillery, *i.e.*, eight batteries will be completely Indianised. One field regiment was raised at Bangalore in January, 1935

(c) Does not arise.

(d) There are 81 batteries of artillery in India at present. These include four field batteries of Indian artillery which are now in process of Indianisation, 25 batteries of mountain artillery of which the Viceroy's Commissioned Officers and all other ranks are Indian and 42 Royal Horse Artillery, Field, Medium and Heavy Batteries which contain a proportion of Indian Other Ranks. The figures of personnel are:

British Officers	.	.	.	.	.	.	.	440
Other Ranks British	.	.	.	.	.	.	.	7,251
Total								7,691
King's Commissioned Indian officers	.	.	.	.	.	.	.	4
Indian Commissioned officers	.	.	.	.	.	.	.	5
Viceroy's Commissioned officers	.	.	.	.	.	.	.	205
Indian other ranks	.	.	.	.	.	.	.	11,295
Total								11,509

The percentage of Indians is therefore approximately 60.

(e) No.

Mr. Abdul Qaiyum: May I know, with regard to part (d) of the question, why the percentage of Indian commissioned officers is so low compared to the figure of 440 for British officers?

Mr. C. M. G. Ogilvie: One reason is that it is extremely difficult to obtain candidates for the artillery from among the ranks of Indian officers and the majority of commissions offered are not in practice taken up.

Mr. Abdul Qaiyum: May I know why it is not possible to send more Indians for training for artillery so that they can take up positions of command?

Mr. C. M. G. Ogilvie: I am not at all clear as to what the Honourable Member means by that question.

Mr. Abdul Qaiyum: The Honourable Member was referring to the fact that it was not possible to obtain suitable Indians. I want to know why Government have not taken steps to give them suitable training so that they can take up positions of command in artillery batteries?

Mr. O. M. G. Ogilvie: Every step to give them suitable training is taken.

Mr. Abdul Qaiyum: And this is the result

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot have a discussion on that.

Mr. S. Satyamurti: May I know why Government said "no" in reply to part (e) of the question, *viz.*, "whether Government are prepared to take speedy steps to completely Indianise the artillery"?

Mr. O. M. G. Ogilvie: The policy of the Government of India at present is completely to Indianise one division including the necessary element of artillery. They have not changed that policy yet.

Mr. T. S. Avinashilingam Chettiar: What is the proportion of artillery which Government propose to Indianise?

Mr. O. M. G. Ogilvie: I have already answered that question.

Pandit Krishna Kant Malaviya: Am I to understand that the Indian officers do not themselves like to join the artillery?

Mr. O. M. G. Ogilvie: The artillery for some reason is not a popular branch of the service.

Mr. T. S. Avinashilingam Chettiar: Popular with whom?

Mr. O. M. G. Ogilvie: The candidates passing out of the Indian Military Academy.

Mr. T. S. Avinashilingam Chettiar: Do Government take into consideration the interests of India in the matter of Indianising these branches or the popularity of the service?

Mr. O. M. G. Ogilvie: I cannot see how that arises from this question.

Mr. President (The Honourable Sir Abdur Rahim): It is a matter for discussion.

Mr. T. S. Avinashilingam Chettiar: Sir, the Honourable Member said "this does not arise". He said that the artillery is not popular with Indian officers, and I asked the question whether the matter of popularity is to be taken into consideration in Indianising a military service or the public interest of India?

Mr. O. M. G. Ogilvie: I am not quite sure as to what the Honourable Member means by his question. I presume the question is whether Government are prepared, in spite of the fact that a certain branch is not popular, to compel Indian officers to enter that branch and the answer

CONNECTION OF INDIA WITH BURMA BY A LAND ROUTE.

103. *Mr. Brojendra Narayan Chaudhury: Will the Defence Secretary please state:

- (a) whether after the raids by the "Emden" in the Bay of Bengal during the German War in 1914 which cut off communications between Burma and India for a considerable time, the question of connecting Burma with India by a land route was considered by the Government of India and whether his department was consulted in this connection;
- (b) whether it was decided to connect Burma by rail from Chittagong through the Arakan hills, and whether the railway construction was started and whether the project was abandoned after proceeding with the construction to Dohazari owing to financial engineering difficulties;
- (c) with reference to his reply to starred question No. 1684, on the 1st December, 1938, saying that the matter of connecting Burma by a motorable road "would be far too expensive a project for our financial resources", what would be the cost of building the 150 mile road referred to in the question; and
- (d) whether Government have considered the possibility and advantages of connecting the road system of India with the road system of Upper Burma?

Mr. C. M. G. Ogilvie: (a) and (b). Before, during and since the Great War the possibility of connecting India with Burma by railway has been investigated but has not been proceeded with on financial grounds. The Chittagong-Dohazari branch railway which was opened for traffic in 1931 was constructed for the purpose of serving a highly populated area.

(c) As no survey has been made and no detailed estimates prepared, no definite information can be given. In view of the difficult nature of the country concerned, it is probable that the cost of constructing such a road would not be less than one crore of rupees.

(d) No.

Mr. Brojendra Narayan Chaudhury: Have Government inquired about the average cost of building similar roads in Assam?

Mr. C. M. G. Ogilvie: I am afraid I am entirely ignorant of what the average cost of building roads in Assam is.

AMENDMENT OF THE RESERVE BANK ACT IN REGARD TO THE RELATIONSHIP BETWEEN THE RESERVE BANK AND SCHEDULED BANKS.

104. *Mr. Akhil Chandra Datta: (a) Will the Honourable the Finance Member please state whether he has received any representation from the Reserve Bank of India, or Scheduled Banks, on the question of amendment of the Reserve Bank Act in regard to the relationship between the Reserve Bank and Scheduled Banks?

(b) If so, have Government examined the question?

(c) What is the scope and object of the amendment suggested?

(d) What action, if any, do Government propose to take thereon?

The Honourable Sir James Grigg: I would refer the Honourable Member to my reply to Mr. Satyainurti's question No. 1267 on the 15th November, 1938.

APPOINTMENT OF A RETRENCHMENT COMMITTEE.

105. ***Mr. Akhil Chandra Datta:** Will the Honourable the Finance Member please state:

- (a) whether Government propose to appoint a Retrenchment Committee in accordance with the Resolution adopted by this House in the Simla Session in 1937 "to consider all items of expenditure from Central Revenues and to suggest measures for curtailing the outlay with a view to reduce the total expenditure by ten per cent."; and
- (b) have Government applied their mind at all to this question since the verdict of the House on the said Resolution?

The Honourable Sir James Grigg: (a) No.

(b) Since the passing of the Resolution, Government have taken all possible measures to secure economy.

Mr. S. Satyamurti: What are those steps?

The Honourable Sir James Grigg: I think the Honourable Member had better wait for the Budget speech.

Mr. S. Satyamurti: May I ask why Government have turned down the recommendation of this House to appoint a Committee to suggest retrenchment?

The Honourable Sir James Grigg: Because the work was largely done before the Resolution was passed by the Assembly.

Mr. T. S. Avinashilingam Chettiar: May I know the extent of the money saved by the retrenchment measures that the Government have already taken?

The Honourable Sir James Grigg: I gave some figures in reply to the question put before. I will give the final figures in the course of my Budget speech.

CONSTITUTION OF THE STANDING FINANCE COMMITTEE.

106. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Finance Member state:

- (a) whether Government have come to a conclusion over the matter of the constitution and scope of the Standing Finance Committee; and
- (b) whether they propose moving a motion for constituting it in the Legislature this Session?

The Honourable Sir James Grigg: I would refer the Honourable Member to the reply given by me to his starred question No. 224 on the 16th of August, 1938, in which I stated that I had circulated a memorandum on the subject to Leaders of Parties in this House. I am still awaiting their observations.

Mr. T. S. Avinashilingam Chettiar: When a question is replied like this, Sir, it is nothing short of a joke. This is a matter which he owes to the House. Every year a Resolution is usually moved by the Government for the election of the Standing Finance Committee. For the last two years this has not happened. And when I ask him a question about it, the Honourable Member says that he has circulated a Memorandum to the Leader of Parties to which he has not received any answer. This is not the proper answer.

The Honourable Sir James Grigg: The Honourable Member might make a start with his own Leaders.

Mr. T. S. Avinashilingam Chettiar: But what steps have Government taken to get the reply?

The Honourable Sir James Grigg: Will the Honourable Member address himself to his own Leaders and ask them to send me a reply?

Mr. President (The Honourable Sir Abdur Rahim): The Finance Member says that the information can be given by the Leaders of Parties to the Honourable Member.

Mr. T. S. Avinashilingam Chettiar: That is not the proper answer. May I submit to you, Sir, that when I ask a question, I am entitled to an answer from Government? He cannot refer me to my own Leader.

Mr. President (The Honourable Sir Abdur Rahim): The answer clearly says that he has referred the matter to the Leaders of Parties.

Mr. T. S. Avinashilingam Chettiar: About four months have elapsed when that letter was addressed to the Leaders of Parties, may I ask whether Government have taken any steps to get a reply from those Leaders?

The Honourable Sir James Grigg: I assume that if the Leaders of Parties feel strongly about this matter, they will send their replies.

Mr. T. S. Avinashilingam Chettiar: If the Leaders of Parties have forgotten to send their replies to Government, what steps have Government taken?

The Honourable Sir James Grigg: If they have forgotten the matter, the Honourable Member's demonstration this morning will serve to remind them.

Dr. Sir Ziauddin Ahmad: May I ask what further step have Government taken since the circulation of the Memorandum to the Leaders of Parties?

The Honourable Sir James Grigg: In this matter at least I should desire to be responsive.

Mr. S. Satyamurti: May I ask whether the Finance Member proposes to sit still for three years continuously over this matter, and not take any steps on his own responsibility?

The Honourable Sir James Grigg: Speaking for myself, I only propose to sit here for another two months. As the Honourable Member knows, I have on various occasions put down a Resolution carrying on the old Standing Finance Committee in its old form but it did not commend itself, I think, to the Honourable Member himself.

Mr. S. Satyamurti: Why not start a new form?

Mr. President (The Honourable Sir Abdur Rahim): The House cannot have any argument on this subject.

Mr. S. Satyamurti: Why not start a new form for the Standing Finance Committee which the House will accept?

The Honourable Sir James Grigg: I am trying to find out whether the House will accept it.

TRAINING OF INDIANS AS AIR OFFICERS.

107. *Mr. M. Asaf Ali: (a) Will the Defence Secretary please state how many foreign air officers have been trained as air pilots, ground engineers, or mechanics, during the past two years in the Indian Air Force in India?

(b) How many of them are under training now in Karachi, or elsewhere, in India?

(c) What fees, if any, do they pay for such training?

(d) What damage have they so far caused to Indian air-craft, and who is responsible for such damage?

(e) Do any facilities exist in India for Indians to be trained as air officers?

Mr. C. M. G. Ogilvie: (a) to (d). It is not in the public interest to answer these questions.

(e) Yes.

Mr. M. Asaf Ali: In your answer to the previous question, I do not think part (d) was included. May I know whether the Honourable Member is prepared to answer part (d) now?

Mr. C. M. G. Ogilvie: It was included.

Mr. K. Santhanam: With reference to part (e) of the question, may I ask how many Indians can be trained at a time with the existing facilities?

Mr. C. M. G. Ogilvie: I shall require notice of that.

Mr. M. Asaf Ali: May I ask how many of them are being trained at present?

Mr. C. M. G. Ogilvie: I have answered that on a previous occasion.

Mr. M. Asaf Ali: Have you answered about Indians?

Mr. C. M. G. Ogilvie: Yes, Sir.

STRENGTH OF THE INDIAN AIR FORCE.

108. *Mr. M. Asaf Ali: (a) Will the Defence Secretary please state the present strength of the Indian Air Force, and what is the known strength of (i) the Afghan Air Force, and (ii) the Russian Air Force in Central Asia?

(b) How do the Indian, Afghan and Russian Air Forces compare in point of equipment?

(c) How do the Indian Air Force and the British Royal Air Force in India compare in point of (i) strength, (ii) equipment and (iii) salaries and allowances?

Mr. C. M. G. Ogilvie: (a) The present strength of the Indian Air Force is shown in the Actual Strength Return, a copy of which is in the Library of the House. It is not in the public interest to supply the information requested by the Honourable Member at (i) and (ii) of this part of the question.

(b) It is not in the public interest to supply the information.

(c) (i) I refer the Honourable Member to the Actual Strength Return.

(ii) The equipment of the two Forces is the same.

(iii) I refer the Honourable Member to Pay and Allowance Regulations for the Air Forces in India, a copy of which is in the Library of the House.

Mr. M. Asaf Ali: I am very glad to know that no question that we can put about the Indian forces can be answered in the public interest; so we know exactly where we stand. But may I ask whether Government themselves know anything about the relative strength of the land and air forces of the neighbouring countries about which I have asked the question?

Mr. C. M. G. Ogilvie: Yes, Sir.

Mr. M. Asaf Ali: May I know whether it is in the public interest for Government to reveal those figures to us?

Mr. C. M. G. Ogilvie: No.

Mr. M. Asaf Ali: May I know where we can get that information?

Mr. C. M. G. Ogilvie: I think nowhere.

Pandit Krishna Kant Malaviya: Do the Government think that Indians are not interested and do not care to know the relative strength of Afghan and Russian forces?

Mr. C. M. G. Ogilvie: Not in the least; they may be very much interested.

INDIAN LAND, AIR AND SEA DEFENCE FORCES.

109. ***Mr. M. Asaf Ali:** (a) Will the Defence Secretary please state how the Indian land Defence Forces compare in point of strength and equipment with the known land Defence Forces of Afghanistan and Russia in Central Asia?

(b) How do the Indian land, air and sea Defence Forces of India compare in point of strength, equipment and total normal annual expenditure with the corresponding forces of (i) Canada, (ii) the Commonwealth of Australia and (iii) the Union of South Africa?

Mr. C. M. G. Ogilvie: This answer does contain a grain of comfort to the Honourable Member.

(a) and (b). Such information as is publicly available is contained in the League of Nations Armaments Year Book, a copy of which is in the Library of the House. It is not in the public interest to disclose any further details.

Mr. Sri Prakasa: Is our presence itself in the House not in the public interest?

Mr. Manu Subedar: May I inquire whether the prohibition on the ground of public interest attaches even to two or three Leaders of Parties in this House and whether Government cannot confidentially make this information available to Party Leaders?

Mr. C. M. G. Ogilvie: In a matter of this kind, Government can make no invidious distinction.

EXTENT OF RELIEF TO INDIA IN RESPECT OF BRITISH FORCES MAINTAINED FOR IMPERIAL PURPOSES.

110. ***Mr. M. Asaf Ali:** Will the Defence Secretary please state to what extent, with reference to the strength and expenditure, India is expected to be relieved of the British forces now maintained in India for Imperial Defence, as the result of reorganisation, or to what extent the Government of India urged before the Chatfield Committee that India should be so relieved?

Mr. C. M. G. Ogilvie: Government are unable to answer the first part of the question. In regard to the second part, I refer the Honourable Member to the reply I gave to parts (b), (c) and (e) of starred question No. 2032 asked by Mr. K. S. Gupta on the 9th December, 1938.

RECOMMENDATIONS OF THE CHATFIELD COMMITTEE AND THE ARMY COMMITTEE.

111. ***Mr. M. Asaf Ali:** Will the Defence Secretary please state when Government propose to bring the recommendations of (i) Chatfield Committee, and (ii) the recently appointed Sandhurst Committee, before the Assembly for consideration?

Mr. C. M. G. Ogilvie: (i) The report of the Chatfield Committee will not be published and its recommendations will not be referred to the Assembly for consideration.

(ii) Government cannot say as the Committee has not yet met.

Mr. S. Satyamurti: With regard to the answer to the first part, may I know whether the recommendations of the Chatfield Committee will be sent to the Government of India for their consideration. My Honourable friend said they will not be placed before the Assembly; I am asking whether the Government of India will be consulted in respect of these recommendations?

Mr. C. M. G. Ogilvie: I submit that that question does not arise.

Mr. S. Satyamurti: The question asks whether Government propose to bring those recommendations before the Assembly for consideration and my Honourable friend said: No. I am now asking whether the Government of India will consider those recommendations.

Mr. President (The Honourable Sir Abdur Rahim): That is a fair question which the Honourable Member may answer.

Mr. C. M. G. Ogilvie: The Government of India will, of course, consider them.

Mr. S. Satyamurti: In considering those recommendations, why do Government not propose to consult the House?

Mr. C. M. G. Ogilvie: I have explained this at great length a great many times and I wish to make it perfectly clear to Honourable Members that this committee is not reporting to the Government of India but to His Majesty's Government.

Mr. S. Satyamurti: Does the Honourable Member realise that we have to foot the Bill? May I know why this Assembly representing the taxpayers is not going to be consulted in this matter?

Mr. C. M. G. Ogilvie: We are asking His Majesty's Government for money. I can say no more than that. What the recommendations on the one side or the other will be is not a matter for discussion at this stage.

EXCHANGE RATIO.

112. *Mr. Akhil Chandra Datta: (a) Will the Honourable the Finance Member please state whether Government are aware that the recent reiteration of their determination to maintain the exchange ratio at the present level has caused a feeling of hopelessness and helplessness in the country?

(b) Have Government considered, or propose to consider, the desirability of having the question thoroughly investigated by a body of experts, including non-official Indians?

The Honourable Sir James Grigg: I have nothing to add to the announcements already made by Government.

Mr. S. Satyamurti: May I know why Government refuse even to have this question examined by a proper committee? Are they satisfied that the present ratio is the best? Are they so omniscient in the matter?

The Honourable Sir James Grigg: There is a question at a later stage which I shall answer somewhat less laconically than I have answered the present one.

REPORT ON THE POSSIBILITIES OF THE LEVY OF DEATH DUTIES.

†113. ***Mr. Akhil Chandra Datta:** (a) Will the Honourable the Finance Member please state whether Government have come to any decision on the question of levying death duty in India?

(b) Have the Lloyd delegation finished their investigation?

(c) Will their report and recommendation be placed before this House before any action is taken thereon?

(d) Is a Bill likely to be introduced in this Session regarding the levy of death duty?

The Honourable Sir James Grigg: This question has already been answered along with another question.

Mr. Akhil Chandra Datta: I want to put a supplementary question on this.

Mr. President (The Honourable Sir Abdur Rahim): When this question was answered with a previous question, that was the time to put supplementary questions.

Mr. Akhil Chandra Datta: Upon the answer that he then gave?

Mr. President (The Honourable Sir Abdur Rahim): Yes; that was the time.

Mr. Akhil Chandra Datta: Is there anything in our Rules or Standing Orders which prevents me from putting supplementary questions on this occasion when this question is reached now?

Mr. President (The Honourable Sir Abdur Rahim): Because supplementaries ought to be put when the answer is given.

EXTENSION OF BANKING IN INDIA.

114. ***Mr. Akhil Chandra Datta:** (a) Will the Honourable the Finance Member please state whether the Reserve Bank, or Government have taken any steps, or propose to take any step, for the extension of banking in India?

(b) Have any suggestions or proposals been submitted by the Reserve Bank to the Government for extension of banking in India? If so, have they been investigated by Government?

(c) Have the Reserve Bank, or the Government, formulated any cut and dry scheme for improving agricultural credit in India?

The Honourable Sir James Grigg: (a) If by the extension of banking in India is meant the opening of branches of banks in places where at

†For answer to this question. see answer to question No. 88.

present banking facilities are lacking this is a matter for the individual banks themselves who have not shown themselves to be slow in opening fresh branches wherever there are prospects of remunerative business. To ensure that branch banking should grow on healthy lines was one of the objects of the Reserve Bank of India Act, 1934, and of the Indian Companies (Amendment) Act, 1936, which included certain provisions for the regulation of banks.

(b) No such proposal has been made.

(c) The Honourable Member's attention is invited to the preliminary and the statutory reports furnished by the Reserve Bank in compliance with section 55 (1) of the Reserve Bank of India Act. Copies of the reports are in the Library of the House.

Mr. Akhil Chandra Datta: Has any recommendation been made up to now to the Government of India for enacting legislation for improving agricultural credit?

The Honourable Sir James Grigg: That is precisely the question which I have answered in part (c).

EXPULSION OF TWO INDIAN JOURNALISTS AND A STUDENT FROM FRANCE.

†115. ***Seth Govind Das:** Will the Honourable the Home Member please state :

- (a) whether his attention has been drawn to the resolution passed by the "Majlis" in London on the 18th December, 1938, protesting against the action of the French Government in arresting and expelling permanently without offering any explanation whatever one of its members, Mr. Feroze Gandhi and the special correspondent of the *National Herald*, and Mr. Sunder Kabadi, correspondent of the *Amrita Bazar Patrika* and the *Bombay Chronicle*;
- (b) whether he is aware that the French Government have expelled Mr. Intiaz Ali Khan, a *bona fide* student of the Paris University;
- (c) whether the India Office was approached by the "Majlis" to make representations to the French Government for an explanation and for the rescinding of that order;
- (d) whether the India Office, London, took action in that direction; and
- (e) whether Government have done anything in the matter; if so, what the actions are and with what result; if not, his reasons therefor?

The Honourable Mr. R. M. Maxwell: The question should have been addressed to the Foreign Secretary.

†Answer to this question laid on the table, the questioner being absent.

FILM ENTITLED THE "RELIEF OF LUCKNOW."

116. *Mr. K. S. Gupta: (a) Will the Honourable the Home Member state whether he is aware that the Butcher Services Film of England is proposing to produce a film entitled the "Relief of Lucknow"?

(b) Is it a fact the War Office promised full support to the proposed production?

(c) Is it a fact that the India Office objected to the production of such a film, because it is undesirable to rake up old memories?

(d) Do Government propose to make a strong representation that the production of such a film is most detrimental to the harmony and tranquillity in India?

The Honourable Mr. R. M. Maxwell: (a) and (b). I have no information beyond what has been reported in the press.

(c) and (d). The matter is primarily the concern of His Majesty's Government. For the action taken by them, I would refer the Honourable Member to the Home Secretary's statement in the House of Commons on the 7th December, 1938.

Mr. T. S. Avinashilingam Chettiar: What is that statement in the House of Commons?

The Honourable Mr. R. M. Maxwell: A copy of the debate is in the Library of the House. But, I may say that the general effect of the statement was that the film would not be produced or exhibited.

FALL IN THE SALE PRICE OF SALT.

117. *Mr. K. S. Gupta: (a) Will the Honourable the Finance Member please state what is the amount of salt imported into India from outside since the discontinuance of the protection to the salt industry in the beginning of the current fiscal year?

(b) Is it a fact that the selling price of salt has declined by about Rs 15 per 100 maunds during this period?

(c) Is the present selling price below the cost of production? If so, what is the action taken, or is proposed to be taken, to save the manufacture of salt in India from financial ruin?

(d) Is it a fact that the increase in the imports of salt is particularly from Port Said and other Red Sea Ports?

The Honourable Sir James Grigg: (a) 219,070 tons up to the end of December, 1938.

(b) No, except that of Hamburg salt which forms a very small part of the total imports of salt.

(c) Government are unable to say whether the selling price is below the cost of production. The answer to the second part of the question does not, therefore, arise.

(d) There has been no increase in the total imports.

Mr. Manu Subedar: May I know whether Government have received representations from the industry pointing out by means of figures that the recent fall of prices in the price of salt in Bengal market does not cover even for the cost of production?

The Honourable Sir James Grigg: This question refers only to the cost of production of the imported article. One cannot get any information about that.

Mr. Manu Subedar: May I draw the Honourable Member's attention to part (c) which refers to the selling price being below the cost of production. Several manufacturers have been financially ruined and my reference is precisely arising out of this. I repeat my question. May I know whether the Honourable Member has received any representations demonstrating by means of figures that the selling price of salt in Calcutta market does not cover even the cost of production?

The Honourable Sir James Grigg: I think in every single application for protection that I have received since I have been in India, the same story has been told.

Mr. Manu Subedar: May I know whether a request has been received from the Government of Bengal for the appointment of a Tariff Board in order to secure fair price for the manufacturers?

The Honourable Sir James Grigg: The Honourable Member had better give notice of a question. I can say that he will probably get the answer that communications between the Government of India and the Provincial Governments are confidential.

Mr. Lalchand Navalrai: Since the discontinuance of protection, has the Honourable Member made any enquiries to know how Indian salt is being affected by the imported salt?

The Honourable Sir James Grigg: I suggest that arises out of a later question which the Honourable Member has got on the agenda.

Mr. Manu Subedar: Has a reference been made to the Tariff Board?

The Honourable Sir James Grigg: There is a later question on the subject.

EXCLUSION OF ADEN FROM ANY SCHEME OF PROTECTION GIVEN TO SALT.

118. *Mr. K. S. Gupta: (a) Is the Honourable the Finance Member aware that Italy has decided to take advantage of the disorganised state of the unprotected salt industry of this country?

(b) Is it a fact that a representative of the Italian salt industry has already arrived in Bombay for the purpose of making preliminary arrangements in connection with the marketing of Italian salt?

(c) Is it a fact that the present disquieting situation of salt manufacture in India is due to the inroads made by the Aden Salt Works?

(d) If the answer to part (c) be in the affirmative, what is the action taken, or is proposed to be taken, to prevent such destructive inroads of the Aden's Salt Works into the domain of salt manufacture in India?

(e) Has there been any representation from the Indian salt industry to the Government of India, seeking their intervention to end the impasse created by the inroads of Aden's Salt Works? If so, what is the action taken, or proposed to be taken, to clarify the issue and help the Indian manufacturer of salt?

(f) Do Government propose to exclude Aden in any scheme of protection, as Aden is no longer a part of India?

The Honourable Sir James Grigg: (a) No.

(b) Government have no information.

(c) No. Imports of salt from Aden from April to December, 1938, as compared with the corresponding period of 1937 show a decrease of about 40 per cent.

(d) Does not arise.

(e) and (f). The Honourable Member's attention is invited to the reply given to Mr. Manu Subedar's question No. 2014 on the 9th December, 1938.

Mr. Manu Subedar: Is it true that both Aden and Western India have suffered, and that the benefit goes entirely to the Italian suppliers?

The Honourable Sir James Grigg: All I can say is that the facts are as follows from which the Honourable Member can draw his own conclusions: The total imports have decreased and the imports from Aden have decreased very largely.

Mr. Manu Subedar: May I know whether the very cheap price in the Calcutta market is not harming the salt from Sambhar which was coming down to the United Provinces?

The Honourable Sir James Grigg: My recollection is that Sambhar salt was not going into Calcutta, and in any case if salt is being sold cheaply in Calcutta somebody must be benefiting from it, presumably the consumer of salt in Bengal.

Mr. K. Santhanam: May I know whether the decrease is merely absolutely or in proportion to the salt produced in India?

The Honourable Sir James Grigg: There is another question later on and I will give the figures then.

Mr. Akhil Chandra Datta: May I know if Government have changed their policy with regard to the salt industry the result of which was the Additional Duty Act of 1931?

The Honourable Sir James Grigg: That Additional Duty Act completely failed to secure the object which it was intended to secure.

Mr. Akhil Chandra Datta: So has the whole policy been abandoned?

The Honourable Sir James Grigg: The policy sought to be laid down by that Act was a failure and so was given up.

Mr. Akhil Chandra Datta: Was it not the policy to make India self-contained in salt?

The Honourable Sir James Grigg: The policy was to enable land-borne supplies to be brought to Calcutta.

CENSUS OF RELIGIOUS MENDICANTS.

119. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Home Member please state whether the importance of taking census of religious mendicants separately is realised and whether it is intended to do so in the next census?

The Honourable Mr. R. M. Maxwell: The reply to both parts of the question is in the negative.

Mr. Brojendra Narayan Chaudhury: Do not Government realise the importance of knowing how many religious mendicants there are in this country?

The Honourable Mr. R. M. Maxwell: There are practical considerations which make it impossible to get the figures from the enumerators.

Mr. Lalchand Navalrai: Will the Honourable Member ask the Provincial Governments to take this census in their own provinces?

The Honourable Mr. R. M. Maxwell: The Provincial Governments will co-operate with the Central Government in carrying out a census and the scheme of operations will be the same over all the provinces; but so far as the Honourable Member refers to another operation independent of the census, the Central Government will not be able to give the provinces any instructions of that kind.

Mr. Sri Prakasa: Is the Honourable Member aware that most of these mendicants are really not religious but irreligious and that it will serve a useful public purpose to distinguish between the two?

The Honourable Mr. R. M. Maxwell: I suspect that what the Honourable Member says is true.

Mr. Lalchand Navalrai: Will the Honourable Member send a copy of this question and the answers to the Provincial Governments for any action that they may take?

The Honourable Mr. R. M. Maxwell: The answer is in the negative.

FUNCTIONS OF THE NEW OFFICER FOR THE CO-ORDINATION OF DEFENCE.

120. *Mr. K. Santhanam: Will the Defence Secretary please state:

- (a) the functions of the new officer for the co-ordination of Defence;
- (b) whether he will be responsible for the organisation of supply in war time; and
- (c) whether he is seeking the co-operation of Indian industrialists and merchants for the manufacture and supply of war materials?

The Honourable Sir Muhammad Zafrullah Khan: (a) Co-ordination of the activities of all departments of the Government of India, in peace time in relation to preparation for a future war and in war time in relation to the efficient conduct of the war.

(b) The duties of this officer include the co-ordination of work relating to supply in war time and preparations to this end in peace time.

(c) Yes.

Mr. K. Santhanam: May I know if the relations between this officer and the industrialists will be the same as the relations between the Co-ordination Officer in England and the industrialists in Great Britain?

The Honourable Sir Muhammad Zafrullah Khan: That I am unable to say.

Mr. K. Santhanam: May I know whether this officer will compile a list of all factories in India for the supply of war materials?

The Honourable Sir Muhammad Zafrullah Khan: He will do whatever is necessary for the achievement of that end for which he has been appointed.

BAN ON THE RETURN OF RAJA MAHENDRA PRATAP TO INDIA.

121. *Mr. Badri Dutt Pande: (a) Will the Honourable the Home Member be pleased to state if he has seen the letter of the Indian exile, Raja Mahendra Pratap, addressed to the President, District Congress Committee, published in the *Hindustan Times* of the 21st December, 1938, page 13, column 6, asking the exact situation as to his return to India?

(b) Will Government be pleased to state definitely the conditions that Raja Mahendra Pratap will have to fulfil before he is allowed to return to his home in Muttra district?

The Honourable Mr. R. M. Maxwell: (a) Yes: I have seen a press report of the letter.

(b) I would draw the attention of the Honourable Member to what I said in the Council of State on the 15th September, 1937. An application from him for facilities to return to India has been received and is under consideration on its merits.

Mr. Badri Dutt Pande: Is it a fact that the U. P. Government have addressed the Central Government saying that they are responsible for the peaceful custody of this distinguished exile if he is allowed to return?

The Honourable Mr. R. M. Maxwell: I cannot quote the contents of confidential communications between the Provincial Governments and the Central Government.

Mr. Badri Dutt Pande: When are Government likely to come to a conclusion as this matter has been pending for a long time?

The Honourable Mr. R. M. Maxwell: The matter is under consideration and a conclusion will no doubt be reached in the fairly near future.

Mr. Sri Prakasa: In view of the fact that the Premier of the United Provinces stated in the Legislative Assembly of the province that he had addressed the Government of India on the subject, will Government state whether they have received such a communication from that Government and what steps, if any, they are taking on it?

The Honourable Mr. R. M. Maxwell: I so informed the House at the last Session.

REFUSAL BY CERTAIN PEOPLE TO ACCEPT QUEEN VICTORIA'S RUPEES.

122. *Mr. Badri Dutt Pande: (a) Has the attention of the Honourable the Finance Member been drawn to the article of the "Sufferer" published in the *Leader* of the 25th November, 1938, under the caption 'Queen Victoria's rupees', stating "that Queen Victoria's coins are current coins of the realm, but, strangely enough, not only in villages but even in large towns, some people refuse to take them. This often causes embarrassment and annoyance"?

(b) Is it the intention of Government to remove this misapprehension on account of general complaint by a proclamation or by withdrawing this coin from the market?

The Honourable Sir James Grigg: (a) Yes.

(b) A Press communique has already been issued by the Reserve Bank on the 8th August, 1938, pointing out that the belief which appears to exist that Victoria rupees are no longer legal tender is entirely erroneous, and that while Victoria rupees are gradually being replaced by coins of more recent mintage they continue to be legal tender and are exchangeable in the same manner as King's head rupees.

Mr. Manu Subedar: Are the Government of India still living in the Victorian age?

The Honourable Sir James Grigg: No, Sir, Edwardian and Georgian

Mr. Badri Dutt Pande: Do Government intend to withdraw these coins as a lot of trouble is created in the market by people refusing to take them?

The Honourable Sir James Grigg: If the Honourable Member had listened to what I said he would have heard me saying that "Victorian rupees are gradually being replaced", etc.

RESIGNATION OF CERTAIN ELECTED MEMBERS OF THE CANTONMENT BOARD, LANSDOWNE.

123. *Mr. Badri Dutt Pande: (a) Will the Defence Secretary be pleased to state if it is a fact that four elected members of the Cantonment Board, Lansdowne, resigned *en bloc* from the Board some six months back? If so, why it is that no fresh elections have been held since then?

(b) When are the fresh elections likely to be held?

Mr. C. M. G. Ogilvie: (a) and (b). The attention of the Honourable Member is invited to the reply I gave to his starred question No. 260 on the 16th August, 1938. Fresh elections could not be held earlier as it was considered necessary to amend the Election Rules for Cantonments in the United Provinces in certain respects. The amendments to those rules were finally published on the 21st January, 1939, and the 11th and 13th March, 1939, have been fixed as the dates for holding casual elections in the Lansdowne Cantonment.

MONOPOLY FOR MILK SUPPLY IN LANSDOWNE CANTONMENT.

124. *Mr. Badri Dutt Pande: (a) Is the Defence Secretary aware that the system of giving a monopoly of the milk supply to a single contractor, is working very terribly in the Cantonment of Lansdowne?

(b) Is it the intention of the Government to do away with it, and revert to the old system? If not, why not?

Mr. C. M. G. Ogilvie: (a) and (b). The attention of the Honourable Member is invited to the information laid on the table on the 8th April, 1938, in reply to his starred question No. 363 asked on the 18th February, 1938.

Mr. Badri Dutt Pande: In view of the fact that this giving of the milk monopoly to one contractor is creating hardship is it the intention of Government to revise this policy?

Mr. C. M. G. Ogilvie: There are no hardships at all.

Mr. Lalchand Navalrai: With reference to clause (b) do I understand that the reply to this also was given previously?

Mr. C. M. G. Ogilvie: Yes, Sir.

Mr. Badri Dutt Pande: Is it a fact that the resignation of the Cantonment members *en bloc* was due to the question of milk monopoly and the increase in motor tax?

Mr. C. M. G. Ogilvie: I hope not.

INCREASE IN THE TOLL-TAX ON MOTOR PASSENGERS IN LANSDOWNE CANTONMENT.

125. *Mr. Badri Dutt Pande: Will the Defence Secretary state why and since when the toll-tax on motor passengers in the Cantonment of Lansdowne has been increased to one rupee?

Mr. C. M. G. Ogilvie: So far as Government are aware the toll-tax on passengers in the Lansdowne Cantonment has not been increased.

AUDIT INSPECTION OF AUDIT OFFICES UNDER THE PROVINCIAL GOVERNMENTS.

126. *Mr. S. Satyamurti: Will the Honourable the Finance Member be pleased to state:

- (a) whether it is a fact that a final decision has been taken by the Government of India regarding the audit inspection by the Auditor General's staff of offices under the Provincial Governments; if so, what that decision is;
- (b) in what respects it departs from the present practice;
- (c) the reasons for the departure;
- (d) how long these changes are intended to be in force;
- (e) what are the arrangements made for the inspection of the Provincial Government offices which are no longer to be inspected by the staff of the Auditor General;
- (f) whether in making these changes the Provincial Governments were consulted; if so what their opinions were; if not, why not; and
- (g) whether Government have satisfied themselves that there will be no loss to the State by the reduction of this audit; and the reasons on which they have come to that conclusion?

The Honourable Sir James Grigg: (a) and (b). I would refer the Honourable Member to the reply which I gave to parts (a) and (b) of starred question No. 1248 asked by Mr. Badri Dutt Pande in the House on the 15th November, 1938.

(c) The need for economy.

(d) As long as the need for economy remains urgent.

(e) This is a matter for the Provincial Government concerned to decide. Arrangements have however been made for a partial resumption of inspections by the Auditor-General's staff next year.

(f) Provincial Governments have been informed of the decision and a general statement of Government's position with regard to expenditure on audit has been circulated to them. There was no time to consult them beforehand as immediate action had to be taken in order to secure a saving in the current year.

(g) I would refer the Honourable Member to the reply which I gave to parts (c) and (d) of starred question No. 1421 asked by Mr. Brojendra Narayan Chaudhury in this House on the 23rd of November, 1938.

Mr. S. Satyamurti: Have any Provincial Governments protested against this arrangement since then?

The Honourable Sir James Grigg: I am not sure about the protest; but
 12 NOON. I seem to recollect one Government making certain representations, and it is in response to those representations, I think, speaking without notice, that a partial resumption is going to be made next year.

(b) WRITTEN ANSWERS.

SYSTEM OF RECRUITMENT OF HIGHER STAFF IN THE GOVERNMENT OF INDIA SECRETARIAT.

127. *Mr. S. Satyamurti: (a) Will the Honourable the Home Member be pleased to state the present system in practice for the recruitment to the higher Secretariat staff, *e.g.*, Under Secretaries and others, of the Government of India?

(b) How many appointments have been made as a result of the new system?

(c) How long the new system has been at work, and what the results of the new system are?

(d) Have the Government of India considered or do they propose to consider the question of recruiting a separate cadre for the Government of India's higher Secretariat staff alone? If not, why not?

The Honourable Mr. R. M. Maxwell: (a) It is presumed that the reference is to Departments outside the Finance and Commerce Pool. I would refer the Honourable Member to the answer given to parts (b) and (c) of Mr. C. N. Muthuranga Mudaliar's starred question No. 2009 on the 9th December, 1938.

(b) Twelve.

(c) As the system has only been in force since June, 1938, it is too early yet to estimate its results.

(d) The question has been considered. It has been decided not to have a special cadre for the reasons given in paragraph 18 of the Wheeler Committee's Report.

UNIVERSITIES HAVING UNIVERSITY TRAINING CORPS.

128. *Mr. S. Satyamurti: Will the Defence Secretary be pleased to state:

(a) the number of Universities in India which have the University Training Corps now;

(b) the sanctioned strength in respect of each University, and the actual strength as compared with the sanctioned strength in each University;

(c) whether any applications are pending from the Universities with the Government of India for either opening new University Corps where they do not exist or for increasing the sanctioned strength; and

(d) whether the Government of India have any schemes for making the University Training Corps more popular by giving chances for the best men among them to serve in the army as officers; if not, why not?

Mr. O. M. G. Ogilvie: (a) Thirteen.

(b) The sanctioned and the actual strengths of the various University Training Corps units are shown on page 33 of the Return showing the Actual Strength of the Army and Royal Air Force in India, a copy of which is in the Library of the House.

(c) Yes.

(d) The Interview and Record Board for candidates for admission to the Indian Military Academy give full credit for approved service in a University Training Corps, members of which have, therefore, a distinct advantage.

RECRUITMENT TO THE INDIAN ARMY.

129. *Mr. S. Satyamurti: Will the Defence Secretary be pleased to state :

- (a) whether Government have since the last answer on this question reconsidered the question of recruiting to the Indian army from all provinces and from all classes and communities;
- (b) whether they have come to any conclusion;
- (c) whether Government will categorically state the reasons as to
 - why other provinces and communities are not allowed to serve in the army; and
- (d) what are the tests by which they have come to the conclusion that other provinces and other communities than those from whom recruitment is made to the Indian army today cannot come up to the standard of efficiency required of the Indian army?

Mr. O. M. G. Ogilvie: (a) No.

(b) Does not arise.

(c) and (d). The reasons have been categorically stated in my replies to starred questions Nos. 1060 and 1086 of 15th September, 1938, No. 1102 of 20th September, 1938 and No. 1402 of the 23rd November, 1938, and also in the replies of His Excellency the Commander-in-Chief in the Council of State to the debates on the Honourable Mr. P. N. Saprú's Resolution regarding recruitment of all classes to the Indian Army and the Honourable Mr. Susil Kumar Roy Chowdhury's Resolution regarding military training for Indians, on the 13th March, 1935, and 21st February, 1938, respectively.

CRIMINAL LAW AMENDMENT BILL PENALISING ANTI-RECRUITMENT SPEECHES.

130. *Mr. S. Satyamurti: Will the Defence Secretary please state :

- (a) whether his attention has been drawn to the answer given by the Parliamentary Secretary to the Premier of the Punjab in the Punjab Legislative Assembly on the 10th November to the following effect :

“that at the suggestion of the Punjab Government the Central Government had introduced in the Central Assembly the Army Bill penalising anti-recruitment speeches”;

(b) whether the Bill was introduced at the *suggestion* of the Punjab Government, *that is* whether the initiative was taken by the Punjab Government or by the Central Government;

(c) whether the attention of Government has been drawn to the statement of the Parliamentary Secretary that:

“he declined to disclose the contents of the communication which passed between the Punjab Government and the Central Government”;

(d) whether the Government of India will place on the table of the House correspondence which passed between them and the Punjab Government on this matter;

(e) whether the attention of Government has been drawn to the statement of the Premier in the Punjab Assembly that the Government of India have now accepted the position that this was a matter on which the Punjab Legislature could legislate; and

(f) if the answer to part (e) above be in the affirmative, the reasons why the Government of India came forward with this legislation before the Indian Legislative Assembly without examining the legal position more fully and thoroughly?

Mr. C. M. G. Ogilvie: (a) Government have seen a press report on the subject in the *Tribune* of 12th November, 1938.

(b) The Bill was introduced by the Central Government after consultation with the Punjab Government.

(c) and (e). Government have not yet seen the report of the Punjab Assembly Debates.

(d) No.

(f) The legal position was exhaustively examined prior to the introduction of the Bill.

CHATFIELD ENQUIRY COMMITTEE.

131. *Mr. Manu Subedar: (a) Will the Defence Secretary please state whether the question of the inclusion of Indians as members of the Chatfield Committee was the subject matter of correspondence between the Government of India and His Majesty's Government?

(b) What is the estimate of the cost of the Chatfield Enquiry?

(c) Who is going to bear this cost?

(d) What incidental cost is falling on the Indian Exchequer in addition to the itinerary and allowances of these gentlemen?

Mr. C. M. G. Ogilvie: (a) No.

(b) The total cost is not available but the cost to Indian revenues is estimated to be in the neighbourhood of Rs. 72,000.

(c) His Majesty's Government and the Government of India.

(d) None, with the exception of certain expenditure on office staff and contingencies.

CONDITIONS OF SERVICE OF HIS MAJESTY'S FORCES IN INDIA.

132. *Mr. Manu Subedar: (a) Will the Defence Secretary please state whether all rules, regulations and orders affecting the conditions of service of His Majesty's Forces in India are made by or with the previous approval of the Secretary of State?

(b) Has any power in connection with these been delegated to the Government of India either in the Act, or by any executive order subsequent to the passing of the Act?

Mr. C. M. G. Ogilvie: (a) and (b). The general position is that the executive authority in respect of His Majesty's Naval, Military or Air Forces borne on the Indian establishment and any other armed forces raised in India by the Crown is during the transitional period vested in the Governor General in Council under section 313 (2) of the Government of India Act, 1935; the Governor General in Council is subject to the general control of the Secretary of State under section 314 (1) and to certain specific powers of control conferred on him by section 235 of the Act. It will be seen that powers in this respect are vested in the Governor General in Council by the Act itself and the question of delegation does not, therefore, arise.

APPOINTMENTS TO OFFICES CONNECTED WITH THE DEFENCE OF INDIA.

133. *Mr. Manu Subedar: (a) Will the Defence Secretary please state whether appointments to offices connected with the defence of India are made by His Majesty in Council?

(b) Has any method been specified, as required in section 233 (1) of the Government of India Act, in which such appointments shall be made?

(c) Have Government of India any power, whatsoever, direct or delegated, to make any appointments to offices connected with defence? If so, to which offices?

Mr. C. M. G. Ogilvie: (a) I refer the Honourable Member to the Government of India (Defence Appointments) Order, 1936, a copy of which is in the Library of the House.

(b) No method has been prescribed for submission of names to His Majesty, but in practice the Government of India is consulted in regard to such appointments.

(c) I have stated the constitutional position in my reply to the Honourable Member's previous question. I invite his attention to Appendix I of the Regulations for the Army in India, 1937, a copy of which is in the Library of the House.

CONFERENCE OF FINANCE MINISTERS.

134. *Mr. Manu Subedar: (a) Will the Honourable the Finance Member please state whether the suggestion not to hold the Finance Ministers' Conference this year was made by any or all Provincial Governments, or whether it was a decision of the Government of India?

(b) Is the holding of the conference merely postponed, or is it definitely and finally dropped?

(c) Have any Provincial Governments addressed the Government of India on this subject?

(d) What is the present position of the negotiations between the Governments of the United Provinces and Bihar and the Government of India with regard to the proposed sales tax on sugar by these two Provinces?

(e) Has any settlement been reached or have the negotiations broken down?

The Honourable Sir James Grigg: (a) to (c). The Finance Ministers' Conference is of course an informal one. The reason for not having so far held one this year is simply that with the extra work thrown upon me personally in connection with the Income-tax Bill and the Chatfield Committee it has been physically impossible for me to find the time.

(d) and (e). There are no such negotiations.

HOLDING OF A DURBAR IN DELHI.

135. *Sardar Mangal Singh: Will the Honourable the Home Member please state:

(a) whether the proposal to hold a Royal Darbar in Delhi still holds good or the same has been postponed indefinitely; and

(b) whether Government intend to request His Majesty the King Emperor to visit India next cold weather?

The Honourable Mr. R. M. Maxwell: (a) Government have nothing to add to the terms of the announcement made on the 10th February, 1938.

(b) No such proposal is at present under consideration.

EVACUATION OF CERTAIN VILLAGES IN AGRA DISTRICT FOR MILITARY MANŒUVRES.

136. *Pandit Sri Krishna Dutta Paliwal: (a) Will the Defence Secretary be pleased to state if the information promised in reply to my questions Nos. 1841 and 1842 of the 6th December, 1938, regarding the evacuation of certain villages in Agra district in May and October 1938 for firing practice by the military has been collected?

(b) Will the Defence Secretary be pleased to state:

(i) the date on which Government received the notice of these questions;

(ii) the date on which Government received the answer thereto; and

(iii) the reason or reasons for this delay?

Mr. C. M. G. Ogilvie: (a) Not yet.

(b) (i) 30th November, 1938.

(ii) Does not arise.

(iii) The matter is being investigated by the Provincial Government concerned, whose report is awaited.

SIR THOMAS AINSCOUGH'S REMARKS REGARDING INDIA'S FINANCIAL AND ECONOMIC FABRIC.

137. *Mr. M. Thirumala Rao: (a) Has the attention of the Honourable the Finance Member been drawn to Reuter's summary of the Report of Sir Thomas Ainscough, Senior Trade Commissioner in India published in the *Hindu*, dated the 13th January, 1939?

(b) If so, has the Honourable Member given due consideration to the remarks that India's rapid industrial development leads to a 'collapse of the financial and economic fabric of the Government of India, which is dependent upon the excess balance of exports in order to meet India's financial commitments in London and maintain the Exchange'?

(c) What are the conclusions of the Honourable Member on such consideration of those remarks?

(d) Do Government accept the principles laid down in the report for maintenance of their economic fabric and the rate of exchange?

The Honourable Sir James Grigg: The question should have been addressed to the Honourable the Commerce Member.

LIFTING OF BAN ON CERTAIN PERSONS EXILED FOR POLITICAL REASONS.

138. *Mr. M. Thirumala Rao: (a) Will the Honourable the Home Member please state whether the Government of India have received any recommendation from the United Provinces Government with regard to the lifting of ban on certain persons exiled for political reasons?

(b) If so, what action have Government taken on them?

The Honourable Mr. R. M. Maxwell: (a) and (b). There are no persons who have been exiled or banished from India. If the Honourable Member refers to persons who left India of their own free will and are still residing abroad, the answer is that a reference from the United Provinces Government was received about Mr. Mahendra Pratap Singh. The position in respect of this person was explained in the replies given by me on the 15th November and 9th December, 1938, to starred questions Nos. 1246 and 2007, respectively. I would also refer the Honourable Member to the reply to Mr. Badri Dutt Pande's question which I have answered today.

PROPOSALS FOR EMIGRATION OF JEWS INTO INDIA.

139. *Mr. M. Thirumala Rao: (a) Will the Honourable the Home Member please state whether it is a fact that proposals are being considered by the British Government to facilitate emigration of Jews into India on a large scale?

(b) If so, have Government been consulted in the matter?

The Honourable Mr. R. M. Maxwell: (a) So far as I am aware there is no proposal under consideration to facilitate the immigration of Jews into India on a large scale. Recently arrangements have been made with the Secretary of State to admit, in small numbers, suitable Jewish refugees, on whose behalf the Council of German Jewry in England, or the branch which it proposes to establish at Bombay, is prepared to give a guarantee

that for a period of five years they will not become a charge on public funds and will be sent back to England free of cost to the State, if at any time within that period it is impossible to place them in employment. Persons in employment at the end of that period will be regarded as standing on their own feet.

(b) Does not arise.

USE OF ALCOHOL AS A SUBSTITUTE FOR PETROL.

140. *Sardar Mangal Singh: Will the Honourable the Finance Member please state:

- (a) whether Government have examined, or propose to examine, the question of the use of alcohol as a substitute for petrol; and
- (b) what the cost of reduction in transport would be in case alcohol could be used as a substitute for petrol?

The Honourable Sir James Grigg: (a) and (b). The Government of India are awaiting the results of the examination of the Joint Power Alcohol Committee's report by the Governments of the United Provinces and Bihar.

AMOUNT OF TAX DUE FROM INCOME-TAX FREE SECURITIES, ETC.

141. *Mr. M. Ananthasayanam Ayyangar: (a) Will the Honourable the Finance Member be pleased to state what the amounts of tax will be due from income-tax free securities issued by the Government of India in case they were not issued free?

(b) As a portion of income-tax is due to the Provinces, is the amount that may be due from the income-tax free securities of India included? Is the amount of tax distributed to the Provinces under section 138 of the Government of India Act? If not, why not?

(c) Is super-tax on the income-tax levied from companies treated as a corporation tax in the matter of distribution of income-tax to the Provinces?

(d) Is not the super-tax different from corporation tax in many particulars?

The Honourable Sir James Grigg: (a) It is not possible to calculate the amount of tax.

(b) No; section 138 of the Government of India Act, 1935, provides for distribution among the Provinces of a prescribed percentage of the net proceeds of the tax, and section 144 of the Act does not allow of the inclusion in the net proceeds of any sums not actually collected.

(c) If the Honourable Member is referring to the existing surcharge on income-tax, the answer is in the negative; but if he is referring to super-tax assessed on the incomes of companies, the answer is in the affirmative.

(d) Super-tax assessed on the incomes of companies is actually Corporation tax, as defined in section 311 of the Government of India Act, 1935.

DISTRIBUTION OF A PORTION OF SALT DUTY AND EXCISE DUTY TO THE PROVINCES.

142. *Mr. M. Ananthasayanam Ayyangar: (a) Will the Honourable the Finance Member please state whether, as prohibition has been introduced in Madras and some other Provinces, Government have considered the desirability of distributing to the Provinces a portion of the salt duty and the excise duty?

(b) If so, what is the proposal? If not, why not?

The Honourable Sir James Grigg: (a) No.

(b) Until it has been possible to complete the programme of devolution of that portion of the income-tax revenue which has been allocated to the provinces on the basis of the Niemeyer award, it is premature to consider the further distribution of the proceeds of the Central taxes mentioned in section 140 of the Government of India Act.

SURMA VALLEY AND ASSAM VALLEY LIGHT HORSES.

143. *Maulvi Abdur Rasheed Chaudhury: (a) Will the Defence Secretary please state when the Surma Valley and Assam Valley Light Horses were constituted and under what rules?

(b) What is the total strength of each of these?

(c) Under what rules are Indians not allowed to enlist themselves in any of these Light Horses?

(d) Are Government prepared to consider the advisability of changing those rules of these Light Horses which bars Indian from joining them?

(e) What is the total contribution of the Central Government and of the Provincial Assam Government, if any, towards the maintenance of these Light Horses?

Mr. C. M. G. Ogilvie: (a) The Surma Valley and the Assam Valley Light Horse, Auxiliary Force (India), were constituted and are maintained under the Auxiliary Force Act, 1920.

(b) The required information is contained in the Return showing the actual strength of the Army and Royal Air Force in India, a copy of which is in the Library.

(c) Section 4 of the Auxiliary Force Act, 1920.

(d) No. I refer the Honourable Member to the answer I gave to Mr. Abdul Qaiyum's supplementary question to starred question No. 1990 asked on the 9th December, 1938.

(e) The total cost of the maintenance of the Auxiliary Force (India) is met by the Central Government. Figures are not maintained to show the cost of individual units of that Force.

IMPORT OF FOREIGN SALT.

144. *Mr. Lalchand Navalrai: (a) Will the Honourable the Finance Member be pleased to state if it is a fact that upon the introduction of protection to Indian salt, and during the period of its existence, imports of foreign salts had ceased, and that they have reappeared in the Indian market since the abolition of the protection as from 30th April last?

(b) Is it a fact that since the discontinuance of the protection to Indian salt, the following shipments from non-Indian sources have already arrived, or have been chartered to arrive, since 30th April last?—

	Shipments.	Aggregating about.
Liverpool	4	4,550 tons.
Hamburg	12	20,635 „
Aden	18	1,24,185 „
Port Said	10	78,200 „
Djibouti	3	20,925 „
Ras Hafun	2	16,000 „
	49	2,64,495 „

(c) Is it a fact that as against the above imports from foreign sources, the imports from Indian sources during the same period have been about 1,63,153 tons only as under:

28 shipments aggregating about 1,63,153 tons?

(d) Are Government aware that the normal yearly output from two foreign sources alone, *viz.*, Djibouti and Ras Hafun, is calculated to exceed the entire normal requirements of the Indian market, *viz.*, about 500,000 tons per year?

The Honourable Sir James Grigg: (a) No.

(b) and (c). I have no information in regard to the number of consignments. Imports of foreign salt in Bengal from 1st May, 1938, to 20th January, 1939, including quantities being discharged at the ports, aggregated 2,19,690 tons against 1,79,563 tons of Indian salt.

(d) No.

SAFEGUARDING OF THE INDIAN SALT INDUSTRY.

145. *Mr. Lalchand Navarai: (a) Will the Honourable the Finance Member be pleased to state if it is a fact that in the evidence recorded by the Tariff Board during their inquiry regarding the Salt Industry in February 1930, the representative of one of the principal foreign importers, *viz.*, Port Said, admitted:

- (i) that their then total producing capacity was 250,000 tons per year, and that their average imports into India amounted to about 100,000 tons per year;
- (ii) that the lowest price they would accept rather than lose the Indian market was 26-27 shillings per ton *c.i.f.* Calcutta, equivalent to about Rs. 66 per 100 maunds;
- (iii) that the lowest price they had up to then received was Rs. 52 per 100 maunds *c.i.f.* Calcutta, received in 1925; and
- (iv) that as regards the price of Port Said salt ruling in Calcutta at the time of Tariff Board Inquiry, *viz.*, Rs. 57 per 100 maunds, it was recorded in the evidence that while this price did not leave any profit, it did not involve any loss, the obvious implication being that a price below Rs. 57 would involve a loss?

(b) Are Government aware that the *ex-ship* prices of Port Said salt imported since 30th April last have not exceeded Rs. 41 and that this salt is now sold at as low a rate as Rs. 26 per 100 maunds *ex-ship*?

(c) Are Government aware that the sale of Port Said salt in large quantities as mentioned in part (b) of the preceding question at rates between Rs. 41 and Rs. 26, *vide* part (b) above, as against their economic rate of Rs. 57 as per part (a) (iv) above, constitutes a state of dumping of this foreign salt in the Indian market?

(d) Is it a fact that it has been recorded in the evidence tendered at the Tariff Board Inquiry of 1929-30 that the financial position of the principal foreign importers, such as Port Said and Aden, at the time of the Inquiry, was such that they had fully written off their capital costs?

(e) Are Government aware that the foreign importers, besides being subsidised by foreign Governments in some cases, have built up huge reserves from high prices obtained during the past 70 years, enabling them to maintain cut-throat competition at the present low prices? Are Government aware that the Indian works are all new, have no reserves, and require safeguarding by the Indian Government to be able to survive intensive competition from foreign importers?

The Honourable Sir James Grigg: (a) Yes.

(b) According to my information the *ex-ship* price of Port Said salt at Calcutta has so far ranged between Rs. 46 and 28 per 100 maunds.

(c) I am not aware of the cost of production of Port Said salt and am not therefore in a position to accept the conclusion suggested by the Honourable Member.

(d) Yes.

(e) As to the first part of the question Government have no information. As regards the latter part, the Honourable Member is making an assertion and not asking a question.

SAFEGUARDING OF THE INDIAN SALT INDUSTRY.

146. *Mr. Lalchand Navalrai: (a) Will the Honourable the Finance Member be pleased to state if Government are aware that 80 per cent. of the total yearly requirements of salt of the Indian market have already been filled in the eight months following the discontinuance of protection of the industry and there is every prospect of the remaining 20 per cent. of the requirements being imported within a month or so?

(b) Is it a fact:

- (i) that there are about 18 Salt Works on the Indian Coast engaged in supplying salt to the Indian market;
- (ii) that Indian capital amounting to over 75 lacs of rupees has been invested in these Indian Salt Works; and
- (iii) that these Indian Salt Works give employment to over 50,000 Indians?

(c) Is it a fact that owing to the aforesaid severe competition and dumping of these foreign salts, some of the Indian Salt Works have already closed down, entailing loss of employment to thousands of Indian labourers, besides loss of vast Indian capital?

(d) Will Government be pleased to state what action they propose to take to safeguard the Indian salt industry from extinction?

The Honourable Sir James Grigg: (a) No.

(b) I am taking steps to have the information collected. It will be laid on the table when available.

(c) Government have no information.

(d) I would refer the Honourable Member to the answer given to part (e) of Mr. Manu Subedar's question No. 2014 on 9th December last.

CONFERENCE TO SETTLE THE PALESTINE AFFAIRS.

147. *Mr. Abdul Qaiyum: Will the Honourable the Home Member state:

(a) whether a conference has been called by His Majesty's Government to settle the Palestine question;

(b) if so, when the proposed conference is going to be held;

(c) whether countries outside Palestine have been invited to send delegates to the said conference;

(d) the names of the countries so invited;

(e) whether India has been asked to send its delegates to the Conference; if not, the reasons therefor; and

(f) the steps taken by the Government of India to secure Indian representation?

The Honourable Mr. R. M. Maxwell: (a) to (d). I have no information beyond that given in paragraph 5 of the statement issued by His Majesty's Government on the 9th November, 1938, which has appeared in the Press.

(e) No communication has been made to the Government of India on the subject.

(f) No steps have been taken by the Government of India in the matter, which is entirely the concern of His Majesty's Government.

SUGAR EXCISE DUTY AND FACTORIES IN INDIAN STATES.

147A. *Mr. Manu Subedar: (a) Will the Honourable the Finance Member please state whether it is a fact that the rates of sugar excise leviable in India are uniform both in British India and in the States?

(b) How many Indian States are collecting sugar excises, and what is the amount of such collection?

(c) How many new factories have been started in Indian States for the production of sugar during 1936-37, 1937-38 and up to the 31st December, 1938?

(d) In which of the Indian States is the production of sugar in excess of the estimated requirements of their own population?

(e) Have Government enunciated any policy with regard to the retention of sugar excise revenue by the States, or come to any agreements with any States?

The Honourable Sir James Grigg: (a) All the Indian States (except Jaora and Mewar) have agreed to levy an excise duty at the British Indian rate on all sugar produced in their territories. Jaora and Mewar have agreed to levy duty at this rate only on sugar exported to British India.

(b) A statement is laid on the table giving such information as is available.

(c) I would refer the Honourable Member to List "B" given in the Review of the Sugar Industry of India for 1935-36 and 1936-37 published as supplement to the *Indian Trade Journal*, dated the 6th May, 1937, and 31st July, 1938, respectively (copies of which are in the Library of the Assembly) which contain the required information in so far as it is available.

(d) Kolhapur, Thaltan, Mysore, Jaora, Kapurthala and Rampur.

(e) It is not in the public interest to answer this part of the question.

Statement showing the names of sugar producing Indian States and the approximate amount of Excise Duty collected by them calculated at the British Indian rate of Rs. 2 per cwt.

	Approximate duty in thousands of rupees, on produc- tion during 1937-38.
Kolhapur	214.9
Phaltan	371.2
Mysore	874.3
Jaora	145.1
Kapurthala	269.0
Rampur	1086.6
Baroda	20.3
Bhopal	48.5
Udaipur (Mewar)	14.1

MOTIONS FOR ADJOURNMENT.

Mr. President (The Honourable Sir Abdur Rahim): As regards the rest of the motions for adjournment of which notice was given on or before the opening day: there is one by Mr. Mohan Lal Saksena regarding the continued detention of certain persons: that has been disallowed. The next is about the railway accident near Hazaribagh. That is barred. The third one relates to the treatment of Indians in Burma. That also is barred. The Chair has had just handed to it a notice of adjournment by Mr. Avinashilingam Chettiar. It ought to have been handed in proper time. It was handed to the Chair while it was going on with the agenda of business.

MESSAGE FROM H. E. THE GOVERNOR GENERAL.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has to read a Message from His Excellency the Viceroy and Governor General:

"In exercise of the powers conferred by rule 2 of the Indian Legislative Rules, I, Victor Alexander John, Marquess of Linlithgow, hereby appoint the Honourable Sir Thomas Stewart to perform the functions assigned to the Finance Member under rule 46 of the said Rules on the occasion of the general discussion appointed for Thursday, the 16th February, 1939, on the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of 'Railways'."

NEW DELHI,
The 28th January, 1939.

(Sd.) LINLITHGOW,
Viceroy and Governor-General."

THE COMMERCIAL DOCUMENTS EVIDENCE BILL.

APPOINTMENT OF MR. C. J. W. LILLIE TO THE SELECT COMMITTEE.

The Honourable Mr. R. M. Maxwell (Home Member): Sir, I move:

"That Mr. C. J. W. Lillie be appointed to the Select Committee on the Bill to amend the Law of Evidence with respect to certain commercial documents in place of Mr. J. N. Talukdar who has ceased to be a Member of the Assembly."

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That Mr. C. J. W. Lillie be appointed to the Select Committee on the Bill to amend the Law of Evidence with respect to certain commercial documents in place of Mr. J. N. Talukdar who has ceased to be a Member of the Assembly."

The motion was adopted.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

The Honourable Sir James Grigg (Finance Member): Sir, I move:

"That the amendments made by the Council of State in the Bill further to amend the Indian Income-tax Act, 1922, be taken into consideration."

I hope the House will not be unduly alarmed at the long list of amendments made by the Council of State. Immediately after the Bill left the Assembly we undertook a most exhaustive scrutiny of it with a view to making it as water-tight as possible, consistent with the declared intentions of the Assembly. In the end, a long list of necessary and desirable amendments were produced. Some few of these related to drafting mistakes or infelicities in the original Bill which had remained unnoticed in spite of the fierce searchlights brought to bear upon it. A somewhat larger number were required to ensure that the legislation correctly set out the intentions of this House. A very much larger number were purely consequential upon changes made by this House or were required to carry out undertakings made to this House during the course of the earlier debates. In addition to these, a certain very small number were suggested

from the point of view of improving the Bill in those parts of it which represented the compromise arrived at in regard to foreign income, etc. In the end, we decided that the only proper course was to retain the compromise in its integrity, leaving its wording essentially unaltered, but to put forward all the other amendments in the Council of State. I think I can safely assure the House that no new question of principle has been introduced by these amendments and that most of them are absolutely necessary and all of them are very desirable. I commend them with confidence to the House.

Perhaps the Assembly will bear with me for two minutes if I repair the omission caused by my absence during the final stages of the Bill in this House—at least the ante-penultimate stage, as I suppose we have got to call it now. I do not want to detain them long, but I must briefly thank all those who have co-operated in the long and difficult process of placing this Bill on the Statute-book. First and foremost, of course, there are my own advisers, but also there are members of all Parties in this House, particularly those who have by experience or training acquired an expertise in these difficult matters.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

“That the amendments made by the Council of State in the Bill further to amend the Indian Income-tax Act, 1922, be taken into consideration.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The Chair will now take up the amendments. It is not necessary to read them out. The Chair will take them up in the order as they are printed in the agenda. The question is :

“That the following amendment made by the Council of State be concurred in :

‘In clause 1 :

(a) in sub-clause (1), for the figure “1938” the figure “1939” was substituted; and

(b) for sub-clause (2), the following was substituted, namely :

‘(2) This section and Part I shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint, and Part II shall come into force on such subsequent date, not later than two years from the date appointed for the coming into force of Part I, as the Central Government may, in like manner, appoint :

Provided that sub-clauses (iii) and (iv) of clause (b) of section 11 shall not take effect earlier than the 1st day of April, 1940.’”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

“That the following amendment made by the Council of State be concurred in :

‘In clause 2 :

(a) in sub-clause (b) :

(i) in the proviso to proposed clause (6A) of section 2 of the Act, for the words, letters and brackets “paragraphs (c) and (d) of this sub-section” the words, letters and brackets “sub-clause (c) or (d)” were substituted; and

(ii) in the *Explanation* to proposed clause (6A) of section 2 of the Act, for the word “section” the word “clause” was substituted;

[Mr. President.]

(b) in sub-clause (d) :

(i) in proposed clause (6C) of section 2 of the Act, after the words "that sub-section" the following was inserted, namely :

"and any sum deemed to be profits under the second proviso to clause (vii) of sub-section (2) of section 10 and the profits of any business of insurance carried on by a mutual insurance company computed in accordance with Rule 9 in the Schedule."; and

(ii) proposed clause (6E) of section 2 of the Act was omitted;

(c) After sub-clause (d), the following sub-clause was added namely :

"(dd)* in clause (9), after the word 'family', the words 'and a local authority' shall be inserted.";'

(d) in sub-clause (e)† (iii) in proposed sub-clause (c) of clause (11) of section 2 of the Act,—

(i) for the words "year of assessment", the words "year for which the assessment is to be made" were substituted;

(ii) after the words and figures "31st day of March," where they occur for the second time, the words, letter and brackets "and the case is not one for which a period has been determined by the Central Board of Revenue under sub-clause (b)" were inserted; and

(iii) in the proviso, the words, letter and brackets "or the last day of the period determined under sub-clause (b)" were omitted; and

(e) in sub-clause (f)‡ for the words "which would be included in total income if the assessee were a person ordinarily resident in British India", the words, figures and brackets "wherever accruing or arising except income to which, under the provisions of sub-section (3) of section 4, this Act does not apply" were substituted."

There is an amendment to this in the name of Mr. Santhanam.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I move:

"That in paragraph (iii) of sub-clause (f) of clause 2 of the Bill, in the proviso to proposed sub-clause (c) the word 'either' be omitted."

This is purely rectification of a slip made by the Government Benches. So I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in paragraph (iii) of sub-clause (f) of clause 2 of the Bill, in the proviso to proposed sub-clause (c) the word 'either' be omitted."

The Honourable Sir James Grigg: Sir, I accept the amendment. I am very much obliged to the Honourable Member for calling our attention to this slip.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That in paragraph (iii) of sub-clause (f) of clause 2 of the Bill, in the proviso to proposed sub-clause (c) the word 'either' be omitted."

The motion was adopted.

*Now (e).

†Now (f).

‡Now (g).

Mr. President (The Honourable Sir Abdur Rahim): The question is :
 "That the amendment* made by the Council of State as further amended† by this House be agreed to."
 The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :
 "That the following amendment, as made by the Council of State, be concurred in :
 'In clause 3 for the word "all" the words "all income, profits and gains" were substituted, and for the words "the total" the words "the total income" were substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :
 "That the following amendment, as made by the Council of State, be concurred in :
 'In sub-clause (a) of clause 4, in proposed sub-section (1) of section 4 of the Act, for the word "and" at the end of clause (a) and at the end of clause (b), the word "or" in both cases were substituted'."

The motion was adopted.

* "In clause 2 :

(a) in sub-clause (b) :

(i) in the proviso to proposed clause (6A) of section 2 of the Act, for the words, letters and brackets "paragraphs (c) and (d) of this sub-section" the words, letters and brackets "sub-clause (c) or (d)" were substituted; and

(ii) in the *Explanation* to proposed clause (6A) of section 2 of the Act, for the word "section" the word "clause" was substituted;

(b) in sub-clause (d) :

(i) in proposed clause (6C) of section 2 of the Act, after the words "that sub-section" the following was inserted, namely :

"and any sum deemed to be profits under the second proviso to clause (vii) of sub-section (2) of section 10 and the profits of any business of insurance carried on by a mutual insurance company computed in accordance with Rule 9 in the Schedule." ; and

(ii) proposed clause (6E) of section 2 of the Act was omitted;

(c) After sub-clause (d), the following sub-clause was added namely :

"(dd) [now (e)] in clause (9), after the word 'family', the words 'and a local authority' shall be inserted." ;

(d) in sub-clause (e) [now (f)] (iii) in proposed sub-clause (c) of clause (11) of section 2 of the Act,—

(i) for the words "year of assessment", the words "year for which the assessment is to be made" were substituted;

(ii) after the words and figure "31st day of March," where they occur for the second time, the words, letter and brackets "and the case is not one for which a period has been determined by the Central Board of Revenue under sub-clause (b)" were inserted; and

(iii) in the proviso, the words, letter and brackets "or the last day of the period determined under sub-clause (b)" were omitted; and

(e) in sub-clause (f) [now (g)] for the words "which would be included in total income if the assessee were a person ordinarily resident in British India", the words, figures and brackets "wherever accruing or arising except income to which, under the provisions of sub-section (3) of section 4, this Act does not apply" were substituted."

† "That in paragraph (iii) of sub-clause (f) of clause 2 of the Bill, in the proviso to proposed sub-clause (c) the word 'either' be omitted."

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :
 'In clause 5, in the marginal heading to proposed section 4B of the Act, for the word "Domicile" the words "Ordinary Residence" were substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :
 'In clause 6, in proposed section 5 of the Act,—

(i) in sub-section (7), the words, letter and brackets,

"and

(c) Income-tax Inspectors',

were omitted ;

(ii) sub-section (4) was omitted ;

(iii) in sub-section (7) before the word "authorities" the word "other" was inserted, and for the figure "6" the figure "3" was substituted ;

(iv) in sub-section (8), for the words "Income-tax Officers and Income-tax Inspectors", the words "and Income-tax Officers" was substituted ; and

(v) sub-sections (5), (6), (7), (8), and (9) were re-numbered (4), (5), (6), (7) and (8), respectively."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :
 'In clause 8—

(a) after sub-clause (c) the following sub-clause was inserted, namely :—

"(cc)* in the existing proviso after the word 'Provided' the word 'further' be inserted"; and

(b) in sub-clause (d)† for the word "salary" where it first occurs, the word "tax" was substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :
 'For clause 8-A‡ the following was substituted, namely :—

"8-A. In section 3 of the said Act to the first proviso the following shall be added, Amendment of section 8, Act namely :—
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'or in respect of any interest payable on money borrowed for the purpose of investment in the securities by the assessee except interest chargeable under this Act which is payable without British India, not being interest on a loan issued for public subscription before the 1st day of April, 1938, unless in respect of interest which is so chargeable tax has been paid or deducted under section 18, or unless there is a person in British India who may be appointed an agent under section 43, in respect of such interest'."

The motion was adopted.

*Now (d).

†Now (e).

‡Now 9.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'In clause 9 (now 10)—

In sub-clause (a)—

- (i) in the proviso to proposed clause (iv) of sub-section (1) of section 9 of the Act, after the words and figure "section 18 or" the words "in respect of which" were inserted; and
- (ii) in proposed clause (vii) of sub-section (1) of section 9 of the Act, for the words "to any such part" the words "to any vacant part" were substituted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'In clause 10 (now 11)—

- (a) in paragraph (vi) of sub-clause (b), after the words "his business", where they occur for the second time, the words "profession or vocation" were inserted; and
- (b) in sub-clause (c)—
 - (i) in proposed sub-section (4) of section 10 of the Act, the words "except income-tax or super-tax paid without British Indian in a State or country with which British India has not made arrangements for double income-tax relief" were omitted; and
 - (ii) in proposed sub-section (5) of section 10 of the Act, for the figure "1938", in both places where it occurs" the figure "1939" was substituted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'In sub-clause (c) of clause 12 (now 13), after the figure and brackets "(vi)" the word "and" was inserted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

"In sub-clause (b) of clause 16 (now 17), after the word, figure and brackets "sub-section (3)", the following words were inserted namely :—

"for the word 'proviso' the words 'second proviso' shall be substituted, and."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'In sub-clause (a) of clause 17 (now 18), in clause (a) of proposed sub-section (1) of section 16 of the Act, for the word "proviso" the words "second proviso" were substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'In sub-clause (a) of clause 17 (now 18), in clause (c) of proposed sub-section (1) of section 16 of the Act, for the figure "1938" the figure "1939" was substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'In clause 18 (now 19), in sub-section (1) of proposed section 17 of the Act, for the words "had it arisen in British India", in both places where they occur, the words "had it been his total income" were substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'In clause 19 (now 20)—

(a) In sub-clause (i), the word "and", where it occurs for the third time, was omitted, and to the said sub-clause the following was added, namely :—

"and in the second proviso to the said sub-section,—

(i) for the words, figures and brackets 'sub-section (3) of section 16' the words, letters, figures and brackets 'clause (c) of sub-section (1) or sub-section (3) of section 16, section 44D or section 44E' shall be substituted; and

(ii) for the words 'that person' the words 'such other person' shall be substituted'; and

(b) in sub-clause (k), the word "shall", where it occurs for the second time, was omitted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'Sub-clause (b) of clause 22 (now 23) of the Bill was re-numbered as sub-clause (d) and that after sub-clause (a) the following sub clauses were inserted, namely :—

"(b) in clause (a), after the word 'received' the words 'or to whom was due' shall be inserted;

(c) in clause (b), after the word 'received' the words 'or so due' shall be inserted, and after the word 'paid' the words 'or due, as the case may be' shall be added;."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'In clause 23 (now 24) :

(a) In sub-clause (a), for the words "whose income exceeds" the words "whose total income during the previous year exceeded" were substituted, and for the words "previous year" the words "that year" were substituted;

(b) In sub-clause (d), the words and figure "of section 22" were omitted; and

(c) In sub-clause (e), for proposed sub-section (5) of section 22 of the Act the following was substituted, namely :—

"(5) The prescribed form of the returns referred to in sub-sections (1) and (2) shall, in the case of an assessee engaged in any business, profession or vocation, require him to furnish particulars of the location and style of the principal place wherein he carries on the business, profession or vocation and of any branches thereof, the names and addresses of his partners, if any, in such business, profession or vocation and the extent of the share of the assessee and the shares of all such partners in the profits of the business, profession or vocation and any branches thereof.'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'In clause 24 (now 25)—

(a) Sub-clauses (a) and (b) were re-numbered (c) and (d), and that, before sub-clause (c) as so re-numbered, the following sub-clauses were inserted, namely :

"(a) in sub-section (1), after the word 'satisfied' the words "without requiring the presence of the assessee or the production by him of any evidence' shall be inserted;

(b) in sub-section (2), for the words and figure 'has reason to believe that a return made under section 22 is incorrect or incomplete, he shall serve on the person who made the return' the words and figure 'is not satisfied without requiring the presence of the person who made the return or the production of evidence that a return made under section 22 is correct and complete, he shall serve on such person' shall be substituted; and

(b) in sub-clause (d) as re-numbered, in the first proviso to clause (a) of proposed sub-section (5) of section 23 of the Act, for the words and figure "under section 24" the words and figure "and set off in accordance with the provisions of section 24" were substituted."

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I should like to begin by thanking the Honourable the Finance Member and his colleagues for making this very necessary and important change in the existing law. As a matter of fact, I happened to be the sponsor of an amendment in this behalf, when the matter was last before the Assembly, because I felt that the language of the law as it exists was most unfortunate as it gave what I thought was an improper discretion to the income-tax officers in the matter of calling or not for the books of the assessees on the ground that they were satisfied or otherwise with the returns as made, and led to the suspicion that those whose books were called for had been prejudged as dishonest. Sir, the House may recollect that I had a little unpleasantness also when I was speaking on that matter with the Honourable the Finance Member, but he generously made up with me the very next day. Though, personally, I should have preferred the language that I myself had proposed to the House, yet I yielded to my friend, Mr. Chambers, when he felt that the words were not suitable. He then promised that he would try and find out another formula and would introduce the matter in the Council of State and I am happy he has done so.

An Honourable Member: What were your words?

Mr. Sri Prakasa: My words at that time were that if the income-tax officer is satisfied with the returns he should give his reasons in writing as to why he was satisfied, because rightly or wrongly the impression was abroad that there was favouritism, and that the Income-tax officer, being only human, was likely not to ask for the account books of those who for some reason or other were his friends and ask these only of those whom either he did not know or did not like. I make no general allegation against the men in general, but I feel I should tell the House that that was the general impression, and so I was glad that Mr. Chambers agreed to bring about a change. The language as now introduced is certainly better than the language of the existing law. As the House will recollect, the Honourable the Finance Member and his colleagues gave the assurance again and again to the House that though there were many matters which

[Mr. Sri Prakasa.]

could not be put in a legal form, still they would be issuing circulars so that all avoidable hardships could be removed and that there should be no unnecessary harassment of the assesseees.

In this connection, Sir, I should like, if I may, to ask the Finance Member or Mr. Chambers to tell the House if they intend to issue any further instructions in this matter in the form of circulars. I think this is a very important matter, and I shall with their implied permission tell them the exact nature of the hardships that assesseees have to undergo. If the income-tax officer is not satisfied that the accounts, as returned, are correct and asks for the books, he sends to the assessee concerned a notice asking him to appear before him at a certain hour. He also sends a number of other men similar notices for the same hour, and busy businessmen are kept waiting for many hours at the income-tax office because, after all, the officer cannot take up all the cases at the same time, though he has given the same time to all the persons concerned. I think, Sir, this is a hardship which can be avoided. I know that the same thing happens in law courts. When witnesses are summoned they have to wait for many hours and sometimes days, and they get no relief because the court would not wait and another witness must be summoned as soon as one is finished. But surely, Sir, the income-tax officers can regulate matters in such a manner that different assesseees may be given different times so that they may not have to waste their time unnecessarily in office. Most of these men are busy businessmen, and they have to look after their shops, etc., and therefore, Sir, some relief could be given in this matter without the least difficulty.

Then, Sir, I should also wish that provision should be made at the various Income-tax offices so that the assesseees may be accommodated in reasonable comfort while they are waiting for their turn. In Benares, for instance, the arrangements were not at all satisfactory. I know for a fact that Mr. Chambers, when he visited Benares, had his attention drawn to this lack, and that he did arrange for certain amenities; still the provision that was made at his desire is not satisfactory enough, regard being had to the requirements of the persons who pay income-tax and who are, even in accordance with the ideas of the Government and present day capitalistic society, respectable people. They surely deserve to be provided with such conveniences that they may feel reasonably comfortable.

The Honourable Sir James Grigg: And refreshments too.

Mr. Sri Prakasa: The Honourable the Finance Member himself informed the House one day that he had to carry thirteen maunds of ice in his saloon when he travelled in the hot weather in order to keep him cool. The assesseees have to keep themselves cool without even a pound of ice and they have to seek shelter under trees and in the verandahs of the office in the afternoons of hot months like May and June. Therefore, as one who was himself once called to attend at one o'clock in the afternoon, I can speak from experience that it is necessary that provision should be made for this purpose. If the Honourable Member will issue some sort of general instructions it would be very useful.

I also think that the premises of income-tax offices should be more suitably situated. For instance, in Benares, the present income-tax office is three miles away from the main city from which place most of the

assessees come. Surely, in a large city like Benares a suitable house could be found in the city itself where the assessee could go easily and where these income-tax officers also could go for their day's work without any difficulty even though they themselves live in bungalows in the cantonments. There is one other aspect of the problem to which I come in fear and dread, because like other Members of the House I also am rather afraid of the Honourable the Finance Member. The matter is this and I speak from personal experience. After all the family books had been examined as presented by my accountants, I was asked to produce my personal pass books, and in the month of November, 1937, or somewhere then, I was asked to explain odd entries of Rs. 10 and 20 in my pass book of April, 1936, that is, a year and a half before. Though the income-tax officer had courteously exempted me from personal attendance if some one else could explain the pass books, I had to go myself as I alone could explain them, if anyone at all could do so. It was almost impossible for me to remember all those odd items and as I had never been subjected to such a close cross examination before, I had made no notes. I asked the income-tax officer, whom I knew whether he himself would be able to explain to me various entries of odd amounts in his own pass book after this lapse of time, if I asked him. He said he could not. Then I said to him that he might just as well excuse my forgetfulness also, because, after all, he had examined all the main business books of the family and this was only a personal pass book that I keep for odd sums that I get or pay and which contain such items as travelling and daily allowances that I receive as a Member of this Assembly. Surely I could be excused if I forgot the details about those items and there need be no suspicion on that account.

An Honourable Member: The allowances are not taxable.

Mr. Sri Prakasa: They are not taxable, but other items may be like Directors' fees as in my own case. He told me, "I am examining your pass book not because I have any suspicion about you, but because I want to catch hold of any sums that you have paid to your doctors, lawyers and others and then examine their books to find out whether they have actually entered those amounts." He said that cross references of pass books are rather useful. I do think that that is rather an inquisitorial proceeding and it makes me sad to feel that any of my personal books should get other people into trouble. But I realise the morals of an individual are different from the morals of a Government, and if that is the proper thing to do I cannot but submit to it. But still I feel that there may be some provision, if not in the law, in the circulars that Government may issue, so that a man may not have the uncanny feeling that he is letting down others, and, surely, Government can have other methods in order to find out the accounts of individuals.

Therefore, while welcoming the change as now introduced in the existing law, I do feel that not much practical good would be done unless there are explicit circulars issued telling the income-tax officers that there should be no undue favouritism—pass books of officials also, for instance, should be examined if at all—and no undue harassment of anyone, unless provision is also made so that the assessee may be accommodated in reasonable comfort while they are awaiting their turn at the office and unless all unnecessarily inquisitorial proceedings are avoided while these private accounts are examined. If steps are taken, I am sure that it would give much relief—necessary and desirable relief—to the taxpayer

[Mr. Sri Prakasa.]

and that this department, instead of being unpopular, would really become popular. I realise only too well that if the Government has to run we must pay taxes. I am not one of those who think that all taxpaying is necessarily irksome. We all give many voluntary taxes and even the income-tax may become a voluntary tax if only we could feel that it was properly collected and properly spent. I hope that the remarks that I have made on this occasion have not in any way hurt my Honourable friend, the Finance Member, and that he will see that suitable provisions are made with the help of circulars in order that the relations between the income-tax department and the assessee may be happy and cordial.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): The complaint, when this Income-tax Bill was being debated in the Assembly, was that invariably the books of the people are being sent for and they are unnecessarily called in person. I do find that now a little change has been made, and according to it, it is only when the income-tax officer is not satisfied without sending for the assessee or without sending for his books, that he can issue a notice. In other words, it is being impressed on him that it is only when he thinks that sending for the person or for the books is necessary that he can issue a notice. I hope that the object of this provision will be properly appreciated by the income-tax officers. But I have got my own doubts. Some of the income-tax officers may still continue the old practice of sending for the assessee and his books every time. I, therefore, submit that a circular on this point explaining fully the object should be issued to the income-tax officers.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): I want to make a few remarks. My constituency is a very big one extending from the Himalayan borders right up to the Ganges—Rohilkund and Kumaon. People from Badrinath are asked to come to Bareilly with books. They have got a very big complaint. I think their cases ought to be decided at the headquarters of the district, and people from Badrinath and right from Chamouli, Almora and other places should not be asked to go to Bareilly. The income-tax officer of Bareilly is also the income-tax officer of Kumaon. That is a real hardship, and it could be relieved if people are called to the headquarters of the district and not far off into another division where to take all the books with the discomforts of a hot climate is a real hardship. If circulars are issued that income-tax cases should be decided only in the headquarters of the district to which they relate, this legitimate grievance on the part of the assessee will be redressed.

The Honourable Sir James Grigg: I do not share my Honourable friend Mr. Sri Prakasa's hope, that the Income-tax Department or income-tax paying will ever become really popular. He may look forward to the time when income-tax will be no more than a voluntary contribution, but I do not think that his aspirations and hopes are very generally shared and so I would repeat my adjuration made to him at an earlier stage of this Bill. If the innocent man occasionally gets a little more harassed than is desirable, he should bear in mind the figures I gave at an earlier stage in our debates, which showed that if the returns of taxpayers in the direct assessment sphere had been accepted without any further enquiry or examination—it does not matter whether the assessee was honest or dishonest,

forgetful or careless—we should have got 30 per cent. less than we actually did get. The Honourable Member, when he says that income-tax officers are tiresome, should bear in mind that taxpayers are sometimes rather tiresome too, rather more than tiresome. However, with that warning, I must say that this amendment was put in precisely to give a lead to the income-tax officer in the direction which he wants. In so far as circulars are necessary, they will be sent out. I do not bind myself to send them in any particular form. They may be circulars, or instructions incorporated in the Income-tax Manual, or they may be communicated to them by their superior officers as a result of inspection. In a good many cases circulars have already been sent out, and my Honourable colleague assures me that from his own personal observation there has been a great improvement from the time when the Income-tax report was written. On the other hand if the Honourable Member wants to have cocktail bars, lounges, waiting rooms, and restaurants attached to the income-tax office, I cannot promise them within any measurable distance of time. The question of accommodation is a matter which can only be dealt with gradually. In the first place, increased accommodation costs money and money is not plentiful at the moment, but if the new Bill produces a lot more money during the year, then we may be more lenient in the way of sanctioning improved accommodation.

Mr. Sri Prakasa: You can get cheaper houses in the city if you would only try. You take up accommodation in the Cantonment, which is distant from the city and also unsuitable.

The Honourable Sir James Grigg: On the other hand, one has got to make sure that one can get rid of the old accommodation before getting into the new. I understand that from the point of view of access accommodation outside the proper limits of Benares city is more convenient. All these qualifications on my part are merely designed to appeal to the Honourable Member that we should not shoot the pianist. The pianist is doing his best.* Subject to that, I am grateful to him for his remarks and I can assure him that within the limits possible we will attempt to improve conditions and the demeanour of the staff and I shall certainly exhort the staff, wherever it is necessary but to be kind to the innocents and to be extremely fierce to those who are not so innocent.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

“That the following amendment, as made by the Council of State, be concurred in :

‘In clause 24 (now 25)—

(a) Sub-clauses (a) and (b) were re-numbered (c) and (d), and that, before sub-clause (c) as so re-numbered, the following sub-clauses were inserted, namely :

“(a) in sub-section (1), after the word ‘satisfied’ the words ‘without requiring the presence of the assessee or the production by him of any evidence’ shall be inserted ;

(b) in sub-section (2), for the words and figure ‘has reason to believe that a return made under section 22 is incorrect or incomplete, he shall serve on the person who made the return’ the words and figure ‘is not satisfied without requiring the presence of the person who made the return or the production of evidence that a return made under section 22 is correct and complete, he shall serve on such person’ shall be substituted ; and

[Mr. President.]

- (b) in sub-clause (d) as re-numbered, in the first proviso to clause (a) of proposed sub-section (5) of section 23 of the Act, for the words and figure "under section 24" the words and figure "and set off in accordance with the provisions of section 24" were substituted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :
'In clause 25 (now 26)—

- (a) in sub-clause (b) in proposed sub-section (1) of section 23-A of the Act,—
 (i) for the words "for any year or period" the words "in respect of any previous year" were substituted;
 (ii) for the words "that year or period", where they first occur, the words "that previous year" were substituted;
 (iii) for the words "for that year or period", where they occur for the second and third times, the words "of that previous year" were substituted;
 (iv) for the words "in previous years" the words "in earlier years" were substituted; and
 (v) for the words "for the year or period concerned" the words "of the previous year concerned" were substituted;
 (b) in sub-clause (c), after the word "inserted" the words "and the words 'firm, association or' shall be omitted" were inserted; and
 (c) in sub-clause (e), for the figures "4" and "5" the figures "4" and "5" were respectively substituted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'In sub-clause (b) of clause 26 (now 27), in proposed sub-section (2) of section 24 of the Act,—

- (i) for the words and figures "the year 1939-40" the words and figures "the year ending on the 31st day of March, 1940" were substituted;
 (ii) for the words and figures "the years 1939-40, 1940-41, 1941-42, 1942-43, 1943-44" the words and figures "the years ending on the 31st day of March, 1940, the 31st day of March, 1941, the 31st day of March, 1942, the 31st day of March, 1943, and the 31st day of March, 1944," were substituted; and
 (iii) in the second proviso, for the words, letter, figure and brackets "section 23, sub-section (5), clause (b)" the words, letter, figures and brackets "clause (b) of sub-section (5) of section 23" were substituted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'To sub-clause (a) of clause 27 (row 28) the following was added, namely:—

"and in the proviso, for the words 'or have been assessed at too low a rate' the words 'or have been under-assessed, or have been assessed at too low a rate, or have been the subject of excessive relief under this Act but' shall be substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'In sub-clause (b) of clause 29 (now 30) for the figure "1938" the figure "1939" was substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'In clause 30 (now 31)—

(a) in sub-clause (b) for the words "which has been partitioned" the words "whose joint family property has been partitioned" were substituted; and

• (b) to the said sub-clause, the following was added, namely:—

"the words 'separation or' shall be omitted, and, in the proviso, for the words 'separated members and groups of members' the words 'members and groups of members whose joint family property has been partitioned' shall be substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'In clause 31 (now 32)—

(a) in sub-clause (a) in the proposed second proviso to sub-section (1) of section 26 of the Act, for the words "thus directly assessed cannot be recovered from a partner" the words "assessed upon a partner cannot be recovered from him" were substituted; and

(b) in sub-clause (b), in the proviso to proposed sub-section (2) of section 26 of the Act —

(i) for the words "the assessment for the previous year only shall be made on the person succeeding him", the words "the assessment of the profits of the year in which the succession took place up to the date of succession, and for the year preceding that year shall be made on the person succeeding him in like manner and to the same amount as it would have been made on the person succeeded" were substituted;

(ii) after the words "or when the tax" the words "in respect of the assessment made for either of such years" were inserted; and

(iii) the words "in respect of the previous year only" were omitted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'After clause 31 (now 32) the following clause was inserted, namely :

'31A.* In section 27 of the said Act, the words 'or, in the case of a company, Amendment of section the principal officer thereof' shall be omitted'."

27, Act XI of 1922.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'In clause 32 (now 34)—

- (a) in sub-clause (a), in proviso (c) to proposed sub-section (1) of section 28 of the Act, after the words "of that section" the words and figure "or under section 34" were inserted;
- (b) in sub-clause (b) for the word "twice", the words "one and a half times" were substituted; and
- (c) in sub-clause (d) for the letter "b" the figure "6" was substituted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'For clause 33 (now 35) of the Bill the following was substituted, namely :

"33*. For section 29 of the said Act the following section shall be substituted,
Substitution of new section for namely :—
section 29, Act XI of 1922.

29. When any tax or penalty is due in consequence of any order passed under or in pursuance of this Act, the Income-tax Officer shall serve upon the assessee or other person liable to pay such tax or penalty a notice of demand in the prescribed form specifying the sum so payable'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'In clause 34 (now 36)—

(a) in sub-clause (a)—

- (i) in paragraph (ia)† for the words and figure "words 'under section 27 or', where they occur for the second time" the words and figure "words and figure 'assessment under section 27, or'" were substituted;

(ii) for paragraph (ib)‡ the following was substituted, namely :

'(ib)‡ after the word, letter and figure "section 25A" the words, figures and brackets "or sub-section (2) of section 26" shall be inserted, and after the words "made by an Income-tax Officer" the words, letters, figures and brackets "or objecting to any penalty imposed by an Income-tax Officer under sub-section (6) of section 44E or sub-section (5) of section 44F or sub-section (1) of section 46" shall be inserted;';

(iii) in paragraph (ii)§ for the figure and letter "49E" the figure and letter "49F" were substituted; and

(iv) paragraph (iiia) was omitted and that in paragraph (iv)¶ of the said sub-clause after the words "Provided that" the following was inserted, namely :—

"no appeal shall lie against an order under sub-section (1) of section 46 unless the tax has been paid :—

*Now 35.

†Now (ii).

‡Now (iii).

§Now (iv).

¶Now (vi).

Provided further that"; and

(b) for sub-clause (b) of clause 34 (now 36) the following was substituted, namely :—

'(b) in sub-section (2), after the word and figure "section 27" the words, letters and figures "or of the intimation of an order under sub-section (1) of section 23A or under section 48, 49 or 49F" shall be inserted, and for the words "Assistant Commissioner" the words "Appellate Assistant Commissioner" shall be substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'In clause 35 now (37) in sub-clause (c)—

(i) in paragraph (iii), for the words, letters, figures and brackets "section 48, 49 or 49E or sub-section (1) of section 23A" the words, letters, figures and brackets "sub section (1) of section 23A or sub-section (2) of section 26 or section 48, 49 or 49F" were substituted; and

(ii) in paragraph (iv), after the words and figure "an order under section 28" the words, letters, figures and brackets "or sub-section (6) of section 44E or sub-section (5) of section 44F" were inserted, and for the words "against computation" the words "against a computation" were substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'In clause 36 (now 38), after the word and figure "section 28" and within the inverted commas, the words, letters, figures and brackets "or sub-section (6) of section 44E or sub-section (5) of section 44F" were inserted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'In clause 37 (now 39), for the figure "6" the figure "5" was substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment, as made by the Council of State, be concurred in :

'In clause 39 (now 41) in sub-clause (1)—

(a) in paragraph (c), for the words, letter, figures and brackets "to which clause (c) of sub-section (1) of section 28 applies" the words "in which the information received is to the effect that the assessee has concealed the particulars of his income or deliberately furnished inaccurate particulars thereof" were substituted; and

(b) In paragraph (d) for the figure "1938" the figure "1939" was substituted'."

Mr. K. Santhanam: Sir, I move :

"That in paragraph (c) of sub-clause (I) of clause 41 of the Bill, for the words 'the information received is to the effect' the words 'he has reason to believe' be substituted."

This is an amendment of some substance and though I understand that Government are agreeable to this amendment, I should like the House to know what exactly it means. The amendment relates to clause 34 which is about the reopening of assessments. In the Assembly we agreed that where there was concealment the reopening may be made within eight years and that for other reopening of accounts it should be four years. It appears that on a strict legal interpretation of the clause as passed by the Assembly this eight year rule will be incapable of application.

In clause 34 (I) we laid down that a notice of a demand can be issued only in a case to which clause (c) of sub-section (I) of section 28 applies. This required that the income-tax officer should come to an *ex parte* conclusion that there has been a concealment of particulars before he issued a notice. In order to remedy this defect the Government carried an amendment in the Council of State saying that if the information which was laid before the income-tax officer suggested that there was a concealment, then he might issue a notice of demand within eight years. That meant practically that the four-year rule went out because a formula would have been evolved by which every information about under-assessment would make a suggestion of concealment. Therefore, the amendment carried in the Council of State went too far in the other direction. We have tried to redress the balance by this amendment by which, after receiving the information, the income-tax officer will himself have to put it on record that he has reason to believe that there was some concealment. Then he would issue the notice of demand. The assessee would then appear, and so far as the assessment is concerned he can re-open the assessment within eight years only when he has made a separate definite finding that there has been a concealment of particulars, and, of course, if he did not exercise his proper judgment, then the appellate authority or the High Court would be able to say that the income-tax officer had no reason to believe that there was concealment and so he ought not to have issued the notice of demand. Therefore, I suggest that the amendment carries out the intention of the Assembly much more precisely and accurately than the amendment carried in the Council of State. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved :

"That in paragraph (c) of sub-clause (I) of clause 41 of the Bill, for the words 'the information received is to the effect' the words 'he has reason to believe' be substituted."

The Honourable Sir James Grigg: Sir, I accept the amendment.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That in paragraph (c) of sub-clause (I) of clause 41 of the Bill, for the words 'the information received is to the effect' the words 'he has reason to believe' be substituted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, and as further amended in this House* be concurred in:

'In clause 39 (now 41) in sub-clause (1)—

(a) in paragraph (c), for the words, letter, figures and brackets "to which clause (c) of sub-section (1) of section 28 applies" the words "in which the information received is to the effect that the assessee has concealed the particulars of his income or deliberately furnished inaccurate particulars thereof" were substituted; and

(b) In paragraph (d) for the figure "1938" the figure "1939" was substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in:

'In sub-clause (c) of clause 40 (now 42), for the figure "1938" the figure "1939" was substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in:

'In clause 42 (now 44), for the words, figures and brackets commencing '(1) Section 38' and ending 'for clause (3)', the words, figures and brackets 'For clause (3) of section 38 of the said Act' were substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in:

'In clause 45 (now 47)—

(a) in sub-clause (a)—

(i) for paragraph (i) the following paragraph was substituted, namely:—

"(i) for the words 'In the case of any person residing out of British India, all profits or gains accruing or arising to such person,' the words 'All income, profits or gains accruing or arising,' shall be substituted;";

(ii) for paragraph (iii) the following paragraph was substituted, namely:—

"(iii) for the words 'shall be chargeable to income-tax in the name of the agent of any such person, and' the words 'where the person entitled to the income, profits or gains is not resident in British India, shall be chargeable to income-tax either in his name or in the name of his agent, and in the latter case' shall be substituted;"; and

(iii) in paragraph (c), after the words "Provided that", where they occur for the second time, the words "where the person entitled to the income, profits or gains is not resident in British India, the" were inserted.

*"That in paragraph (c) of sub-clause (1) of clause 41 of the Bill, for the words 'the information received is to the effect' the words 'he has reason to believe' be substituted."

[Mr. President.]

(b) For sub-clause (b) the following sub-clause was substituted, namely :—

“(b) in sub-section (2), after the words ‘Where a person not resident’ the words ‘or not ordinarily resident’ shall be inserted; the words ‘, and not being a British subject or a firm or company constituted within His Majesty’s Dominions or a branch thereof’ shall be omitted; the words ‘or the Assistant Commissioner, as the case may be,’ shall be omitted; and for the words commencing ‘between the resident and the non-resident’ and ending ‘connection with the non-resident’ the words ‘between such persons, the course of business is so arranged that the business done by the resident person with the person not resident or not ordinarily resident’ shall be substituted;” and

(c) In sub-clause (c), for the words “assessable under this section” the words “deemed under this section to accrue or arise in British India” were substituted.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur-Rahim): The question is:

“That the following amendment, as made by the Council of State, be concurred in:

“To clause 45A (now 48) the following marginal heading was attached, namely :—

‘Amendment of section 43, Act XI of 1922’.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

“That the following amendment, as made by the Council of State, be concurred in:

“In clause 48 (now 51), in proposed section 44D of the Act,—

(i) in sub-sections (1), (2), (5) and (7) and in the marginal heading, for the word “domiciled” the words “ordinarily resident” were substituted;

(ii) in sub-section (5), for the words “income of another person” the words “income of a person” were substituted; and

(iii) in sub-section (8)—

(a) for the words and figures “the financial year 1939-40” the words and figures “the year ending on the 31st day of March, 1940” were substituted; and

(b) for the figure “1938” the figure “1939” was substituted.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

“That the following amendment, as made by the Council of State, be concurred in:

“In clause 49 (now 52), for the figure “2” the figure “3” was substituted’.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

“That the following amendment, as made by the Council of State, be concurred in:

“In clause 50 (now 53), after the words “of the said Act”, the following was inserted, namely:

“after the word and figure ‘section 42’ the words and figure ‘or of the proviso to section 45’ shall be inserted, and’.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in :

'After clause 50 (now 53) the following clause was inserted, namely :

'50A.* In section 47 of the said Act, after the word and figure 'section 28', the words, letters, figures and brackets 'sub-section (6) of section 44E, sub-section (5) of section 44F' shall be inserted'."

Amendment of section 47,
Act XI of 1922.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in :

'In clause 51 (now 55), in sub-section (4) of proposed section 48 of the Act, for the words and figure "Act of 1939" the word and figure "Act, 1939" were substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in :

'In clause 54 (now 58)—

(a) for the proposed section 49A the following was substituted namely :

"49A. (1) The Central Government may, by notification in the Official Gazette, make provision for the granting of relief in respect of income on which has been paid both income-tax (including super-tax) under this Act and Dominion income-tax;

(2) for the purposes of this section 'Dominion income-tax' means any income-tax or super-tax charged under any law in force in any Indian State or in any part of His Majesty's Dominions (other than the United Kingdom) where the laws of that State or part provide for relief in respect of tax charged on income both in that State or part and in British India which appears to the Central Board of Revenue to correspond to the relief which may be granted by this section." and

(b) for proposed section 49D of the Act the following section was substituted, namely :

"49D. If any person who has paid by deduction or otherwise Indian income-tax for any year in respect of any income arising without British India in a country the laws of which do not provide for any relief in respect of income tax charged in British India proves that he has paid income-tax by deduction or otherwise under the laws of the said country in respect of the same income, he shall be entitled to the deduction from the Indian income-tax payable of a sum equal to one-half of such Indian income-tax or to one-half of such tax payable in the said country, whichever is the less' "

Relief in respect of tax
charged in country not
providing for relief in
respect of British Indian
Income-tax.

Mr. F. E. James (Madras: European): Sir, I tried to get an opportunity to raise a question before the House earlier but was not able to do so. The point is briefly this,—that there is considerable difficulty in securing relief from double income-tax where tax is paid in Indian States on the part of assesseees in British India, whether individuals or companies. In many cases the relief is not adequate, and in cases which I know of personally (I need not weary the House by detailing these cases) the relief is obtained after a great deal of trouble and often after deductions that in our view are not really legal deductions on the part of the Indian States. I realize it is a difficult problem, but one suggestion I can offer is that when Mr. Chambers has been able to clear up the Bill, if it would be possible for him to pay a visit more especially to South India in which

[Mr. F. E. James.]

these matters are extremely complicated, his advice would be of the greatest possible assistance not only to assessors in British India but also to the Departments of the Indian States concerned; and if the Honourable the Finance Member would be good enough to bear that point in mind so that when an occasion arose such action could be taken, then we in South India would be particularly grateful.

The Honourable Sir James Grigg: Sir, I shall be very glad to consider the suggestion of Mr. James, and in so far as it is possible to oil the wheels in this matter, we should be quite ready to help.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in :
In clause 54 (now 58)—

(a) for the proposed section 49A the following was substituted, namely :—

"49A. (1) The Central Government may, by notification in the Official Gazette, make provision for the granting of relief in respect of income on which has been paid both income-tax (including super-tax) under this Act and Dominion income-tax :

(2) for the purposes of this section 'Dominion income-tax' means any income-tax or super tax charged under any law in force in any Indian State or in any part of His Majesty's Dominions (other than the United Kingdom) where the laws of that State or part provide for relief in respect of tax charged on income both in that State or part and in British India which appears to the Central Board of Revenue to correspond to the relief which may be granted by this section." and

(b) for proposed section 49D of the Act the following section was substituted, namely :—

"49D. If any person who has paid by deduction or otherwise Indian income-tax for any year in respect of any income arising without British India in a country the laws of which do not provide for any relief in respect of income-tax charged in British India proves that he has paid income-tax by deduction or otherwise under the laws of the said country in respect of the same income, he shall be entitled to the deduction from the Indian income-tax payable of a sum equal to one-half of such Indian income-tax or to one-half of such tax payable in the said country, whichever is the less."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in :
In clause 55 (now 59), for the figure and letter "49D" the figure and letter "49E" were substituted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in :
In clause 56 (now 60), for the figure and letter "49E", the figure and letter "49F" were substituted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in :
'In clause 57 (now 61), for the figure "1938", in both places where it occurs, the figure "1939" was substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in :
'In clause 59 (now 63), for the words, letters, figure and brackets--

"In section 51 of the said Act--

(a) in clause (c)"

the words, letters, figure and brackets "In clause (c) of section 51 of the said Act" were substituted and sub-clause (b) of the said clause was omitted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in :
'In clause 60 (now 64), the letter and brackets "(a)" were omitted from the beginning and inserted after the words "said Act," and that in sub-clause (b) for the word "punished" the words "punishable, on conviction before a Magistrate" were substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in .
'To paragraph (ii) of sub-clause (b) of clause 62 (now 66), the following was added, namely :—

"or

(m) so much of such particulars, to the appropriate authority, as may be necessary to establish whether a person has or has not been assessed to income-tax in any particular year or years, where under the provisions of any law for the time being in force such fact is required to be established'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in :
'To clause 62 (now 66) the following sub-clause was added, namely :—

"(d) in sub-section (4) so renumbered, after the words 'proceeding under' the words, letter and figure 'section 25A or' shall be inserted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in :
'To sub-clause (a) of clause 63 (now 67), the following was added, namely :—

'and after the words 'not being a registered firm', the words 'or the partners of the firm or members of the association individually,' shall be inserted;'"

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in :
'In clause 64 (now 68), after the words "said Act" the following was inserted, namely :—

'after the word 'company', the words 'local authority' shall be inserted, and'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in:

'In sub-clause (a) of clause 66 (now 70), after the words, figure and brackets "in sub-section (1)" the words "for the words 'the proviso' the words 'the second proviso' shall be substituted, and" were inserted.'

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in:

'To sub-clause (a) of clause 66 (now 70) the following was added, namely:—

"and for the figure '20', the words, figures and brackets 'and 20 and the first proviso to sub-section (1) of section 41 and section' shall be substituted;'"

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in:

'In clause 71A (now 76), to proposed section 58-O of the Act, the following sub-section was added, namely:—

'(4) The Central Board of Revenue shall neither refuse nor withdraw approval to any superannuation fund or any part of a superannuation fund unless it has given the trustees of that fund a reasonable opportunity of being heard in the matter.'

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in:

'In sub-clause (b) of clause 73 (now 78), for the figure "1938" the figure "1939" was substituted.'

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in:

'In sub-clause (b) of clause 76 (now 81), for the words "his principal place of business" the words "the principal place wherein he carries on his business, profession or vocation" were substituted.'

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in:

'In clause 77 (now 82) of the Bill,—

(i) in sub-clause (d), before the word "North-West" and within the inverted commas, the word "the" was inserted; and

(ii) sub-clause (e) was omitted.'

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in:

'After clause 77 (now 82), the following clause was inserted, namely:

"77A.* To sub-section (1) of section 66A of the said Act the following proviso Amendment of section 66A, shall be added, namely:
Act XI of 1922.

'Provided that where in any reference heard by the Bench of the Court of the Judicial Commissioner of the North-West Frontier Province, a difference of opinion arises between the Judicial Commissioner and the Judge of the said Court, the opinion of the Judicial Commissioner shall prevail', " " "

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in:

"In clause 78 (now 84),—

(a) for the proviso to Rule 2 in the proposed Schedule to the Act, the following proviso was substituted, namely:

"Provided that the amount to be allowed as management expenses shall not exceed—

(a) $7\frac{1}{2}$ per cent. of the premiums received during the preceding year in respect of single premium life insurance policies, *plus*

(b) in respect of the first year's premiums received in respect of other life insurance policies for which the number of annual premiums received is less than twelve, or for which the number of years during which premiums are payable is less than twelve, for each such premium or each such year $7\frac{1}{2}$ per cent. of such first year's premiums received during the preceding year, *plus*

(c) 85 per cent. of the first year's premiums received during the preceding year in respect of other life insurance policies and $8\frac{1}{2}$ per cent. of other premiums received during that year in respect of such policies." and

(b) In Rule 5 in the proposed Schedule to the Act—

(i) in clause (ii), for the words "except premiums received from policy-holders, and interest and dividends in any annuity fund," the words and brackets "(except premiums received from policy-holders and interest and dividends on any annuity fund)" were substituted;

(ii) in the proviso to clause (u), for the words "the latter section" the words "the last-named section" were substituted;

(iii) in clause (iii), after the word "policy-holders" the words "depreciation of, and losses on the realisation of, securities" were inserted; and

(iv) after clause (iv), the following clause was inserted, namely:

"(v) 'securities' includes stocks and shares'."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I beg to move:

"That in clause 84 of the Bill, in paragraph (c) of the proviso to rule 2, in the proposed Schedule to the Act, for the words 'such policies' the words 'all life insurance policies other than single premium life insurance policies' be substituted."

Sir, the object of this amendment is this. In the Bill before it was passed by this Assembly there was a difference made between single premium policies and policies where a number of premiums had to be made in the matter of allowing expenditure. In the case of single premium policies $7\frac{1}{2}$ per cent. of the premium is allowed as expenditure. An amendment was moved by us in this Assembly that the amount of expenditure ought to be spread over in cases where it is not a single premium alone which is paid but a number of premiums not less than twelve in number are paid in the case of any particular policy. As regards the others 85 per cent. of first year's premiums and $8\frac{1}{2}$ per cent. of the renewal premiums may apply to other policies where the number of premiums is more than 12. That amendment was made in this Assembly but, unfortunately, it has not been fully carried out in the Council of State. There is no reference made in clause 6 to the amount of expenditure allowed in the case of renewal premiums, and it is to make up this deficiency that this amendment is introduced in clause (c).

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in clause 84 of the Bill, in paragraph (c) of the proviso to rule 2, in the proposed Schedule to the Act, for the words 'such policies' the words 'all life insurance policies other than single premium life insurance policies' be substituted."

The Honourable Sir James Grigg: Sir, I accept the amendment.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in clause 84 of the Bill, in paragraph (c) of the proviso to rule 2, in the proposed Schedule to the Act, for the words 'such policies' the words 'all life insurance policies other than single premium life insurance policies' be substituted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, and further amended in this House, be concurred in:

'In clause 78 (now 84).—

(a) for the proviso to Rule 2 in the proposed Schedule to the Act, the following proviso was substituted, namely:

"Provided that the amount to be allowed as management expense, shall not exceed—

(a) $7\frac{1}{2}$ per cent. of the premiums received during the preceding year in respect of single premium life insurance policies. *plus*

(b) in respect of the first year's premiums received in respect of other life insurance policies for which the number of annual premiums received is less than twelve, or for which the number of years during which premiums are payable is less than twelve, for each such premium or each such year $7\frac{1}{2}$ per cent. of such first year's premiums received during the preceding year. *plus*

(c) 85 per cent. of the first year's premiums received during the preceding year in respect of other life insurance policies and $8\frac{1}{2}$ per cent. of other premiums received during that year in respect of *all life insurance policies other than single premium life insurance policies.*" and

(b) In Rule 5 in the proposed Schedule to the Act—

(i) in clause (ii), for the words "except premiums received from policy-holders, and interest and dividends in any annuity fund," the words and brackets "(except premiums received from policy-holders and interest and dividends on any annuity fund)" were substituted;

(ii) in the proviso to clause (ii), for the words "the latter section" the words "the last-named section" were substituted;

(iii) in clause (iii), after the word "policy-holders" the words "depreciation of, and losses on the realisation of securities" were inserted; and

(iv) after clause (iv), the following clause was inserted, namely:

"(v) 'securities' includes stocks and shares'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in: 'Clause 79 was omitted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in:

'In clause 80 (now 85), in sub-section (3) to proposed section 5-A of the Act, for the words "accountant member" the words "an accountant member" were substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in:

'In clause 87 (now 92) sub-clause (b) was renumbered (c) and that after sub-clause (a) the following sub-clause was inserted, namely:

"(b) in sub-section (6) the words 'on the application of an assessee' shall be omitted;"

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"Necessary corrections of the numbering and lettering of the clauses of the Bill were carried out with consequential corrections of cross references."

Mr. S. Satyamurti: Sir, this is a statement of fact, and we cannot vote on it.

Mr. President (The Honourable Sir Abdur Rahim): Yes, this has already been done and the vote of this House is not necessary.

This finishes the Income-tax Bill.

THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following motion moved by the Honourable Sir Muhammad Zafrullah Khan on the 15th November, 1938:

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, be taken into consideration."

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadian Rural): Sir, I support the motion, but, while doing so, I would like to have some information. I am glad that the Scindia Steam Navigation Company have instituted a provident fund scheme and this Bill is to enable them to deduct payments from sailors on the seas towards that fund. But I should like to know what the Government of India is doing to promote in India, as in England, a National Maritime Board of which all Indian officers and sailors will become members. So far as the Scindia Steam Navigation Company is concerned, it is all right, but what about the Indian officers in other companies? I take it that the Honourable the Commerce Member will see that the English companies who are plying on the coastal trade of India will take their quota of Dufferin cadets. I should like to know what will be their position? Will they have to look to the provident fund or pension from the Board in England, or will these companies institute a separate provident fund for these Indian officers in India? What is the position of the Indian sailors in these companies? Are there any provident funds for them or are they to look to the British National Maritime Board for their pensions? Though the particular provision of the Bill itself is very simple and is quite acceptable, now that the subject has come up it is necessary that the Government of India should give us some idea as to what steps they are taking to protect the interests of our seamen in general, not only of those who are serving in the Scindia Steam Navigation Company but even of those who are serving in the other lines which are plying both in the coastal trade as well as the foreign trade of India.

Mr. N. M. Joshi (Nominated Non-Official): Sir, I agree with the principle of the Bill that if there is any proper scheme for the maintenance of seamen and also of officers employed on merchant shipping there must be power to make assignments or deductions from the salaries or wages for contributions. But before I agree to the provision of this Bill enabling monies to be assigned for paying contributions for any scheme intended to provide maintenance for seamen and their officers, after retirement, I must make sure that the schemes are proper schemes. To have schemes for provident fund, or for pensions by individual companies, is not the proper way of providing for the maintenance of seamen and their officers after retirement. There is clearly a disadvantage to the seamen and to the officers in a scheme which is restricted to the employees of one company and which is controlled by that company. A proper provision is to have some scheme under the authority of either Government or some organisation under the control of Government or jointly under the control of the people who pay contributions to these schemes. I would, therefore, have liked that a scheme for providing pensions in old age and after retirement for seamen and their officers should have been made by the Government themselves or if not by Government through some organisation which is controlled by Government or by seamen and their employers. I said that there is a disadvantage in a scheme which is restricted to the employees of one company and which is controlled by the company.

In the first place, if a scheme is restricted to employees of one company and controlled by that company, and if the seamen or the officers on the merchant shipping leave that company, they would lose in the first place the benefit of this scheme itself if the rules of this scheme provide that the seaman or the officer will not get the benefit of the scheme unless he puts in a certain number of years which qualifies him to get the benefit of the contributions of the employers. Secondly, he may transfer his services from one company which has a provident fund to another company which has not got a provident fund with the result that he does not get the benefit of any scheme for pensions or provident fund after leaving the service of that company. He may serve in one company say for five or ten years. It is true that the contributions paid by him and by his employer for those five years will be returned to him after he leaves that service, but it does not provide for his retirement wholly. It has given him some saving, but if he goes to a company where there is no such fund the provision for future has stopped. Therefore, if a scheme is to be made for the protection of the seamen and their officers after retirement and in old age that scheme should provide for the whole term of their service and not limited to a period of service which they render with a company which has got a provident fund. Therefore, any scheme which is intended to provide a provident fund or pension to a seaman or an officer, that scheme should be such that he will receive the benefit through the whole period of his service and not through a limited period.

Then, there is a disadvantage in a scheme provided by one company for its employees. That disadvantage is that if one of the rules of the provident fund is that the man will not get the benefit of the contributions of the employer unless he serves with that company, say, for ten years,

then even though he may be dissatisfied with the conditions of service given by that company to him, he may be tempted to remain with that company instead of going to another company to better his prospects on account of the fact that he may lose the benefit of the contributions of the employer. Sir, this difficulty in the way of transferring his services from one employer to another is decidedly against the interest of the employee. An employee must always be free to go from one employment to another, if he finds that the employment in which he is working is not satisfactory and the terms given to him are not fair. I, therefore, feel that from the point of view of the employees, there is clear disadvantage if a scheme for provident fund or pension is restricted to the employees of one company and is controlled by that company. In any case, if this disadvantage is to be avoided the Government has to see before approving of the scheme that no qualifying period will be laid down in the scheme in order that the seamen or the officers should become eligible for receiving benefit of contributions of the employer. Whenever an employee of a company leaves the service of that company, he should get the benefit of his own contributions as well as of the contributions of the employer. This can be done if the Government of India, before approving of the scheme, insists that this provision is put into the rules regarding that scheme.

Then, Sir, if the scheme is a contributory one, namely, if the employers and the employees contribute towards the scheme, it is but fair that the management of the scheme should be in the joint hands of the employers and the employees. If the scheme is a non-contributory one, or it is a scheme to which only the employer contributes, then there may be some justification for the employer controlling the scheme, but if the scheme is one to which both the employees and the employers contribute, then the management of that scheme must be joint and not by the employers alone. I would, therefore, like the Government of India before they give any approval to such a scheme to see that the rules provide for the joint management of that fund.

Moreover, I would also like the Government of India to see that if there are any Trustees employees who contribute to the fund, they will also be represented on the Board of the Trustees. Lastly, I would like that if a scheme is to be a proper one and to be approved by Government, then the Government must make sure that the administration of that scheme will not be a costly one, and that the expenses of the administration will be limited to a very small percentage of the premium or contribution collected every year. I would suggest that the administrative expenses of such a scheme should not exceed more than two per cent. or $2\frac{1}{2}$ per cent. I have made these suggestions in order that the Government of India should give the House an assurance that the suggestions which I have made will be accepted by them and that they will not approve of a scheme which is not a proper scheme as I have described, namely, that the scheme shall be such that a man will not lose the benefit of it after a short period, but that the man will get that benefit by contributing himself as well as the employer contributing to the scheme during the whole period of his service. Secondly, that the scheme will make such a provision that the man will not lose the benefit not only of his own contributions but even the contributions of the employer whenever he leaves the employment of that particular employer. Thirdly, the management should be joint if it is not Government management. If there is a board

[Mr. N. M. Joshi.]

of trustees the employees should be represented on it. Lastly, the administrative expenses should be restricted to 2 per cent. or $2\frac{1}{2}$ per cent. of the contributions paid. Sir in Great Britain recently they have established a scheme for the officers of the merchantile navy. That scheme is not restricted to the employees of one company but is a sort of joint scheme for all the shipping companies of Great Britain managed by a National Joint Maritime Board on which the employers and employees are equally represented. Now, Sir, that scheme avoids almost all the disadvantages which I have pointed out and the scheme which the Government of India would approve should also avoid all these disadvantages. And I should like the Government of India to give me an assurance that the suggestions which I have made regarding the proper framing of the scheme will be insisted upon by them when they approve of a scheme for a provident fund or a pensions fund. If the suggestions which I have made are not insisted upon I am afraid the scheme for a provident fund may not do much good to the employees. In any case sometimes a scheme of this kind will come in the way of the man leaving an employment in order to better his prospects. It is difficult to say that there should be no scheme for a provident fund even though the scheme may be made by one company; but, Sir, if you think deeply about this matter, you will agree that if I have to wait for a year or two in order to get a proper scheme for a provident fund, I would rather wait instead of approving of a scheme which is not a proper one. I would therefore like the Honourable Member in charge of the department to give me an assurance that he will not approve of a scheme unless the suggestions which I have made are insisted upon. If he cannot give me that assurance I am afraid I cannot support this Bill. In any case I cannot support this Bill as a Bill which will undoubtedly do good to the employees of the Indian mercantile marine. I hope the Honourable Member will give me that assurance.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock. Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, there cannot be two opinions on this Bill. Every one on this side of the House is agreed that this a very good Bill and ought to have been taken up by the Government. But I want to suggest a few points to the Honourable Member in charge. When he is going to have a proper scheme, I would suggest that when a certain percentage is going to be taken away from the pay of these poor people, considering the risk which these sea-faring people undergo, there should be an increase in pay to a certain extent by the companies employing them. I would also submit that though it is right that a certain sum should be deducted, the proposed percentage is too high. It is 7 to 8 per cent and more. I, therefore, suggest that the Government should take note of the fact that these people who are employed in such risky business should get sufficient pay, especially in this age of unemployment. Many people

are sure to try to get into this sea-faring business. There will be agreements between the shipping companies and the employees, and these agreements require to be seen very carefully. The companies will have these agreements drafted by their lawyers, while these employees will not have any expert advice and the agreements may not be very much in their interest. The Government should, therefore, take care to see these agreements so that they may not be to the detriment of these employees. It is not only the Scindia Steam Navigation Company, but it is also the British India Steam Navigation Company that have Provident Fund schemes already and may be other companies which will take this business in hand. The boys who pass from the Dufferin Ship—it should be the duty of these companies to employ them before taking other people. India wants that people of her own country should get employment in these steam navigation companies. Therefore, I have made these suggestions that not only the pay of these people should be looked into and not only should the agreements be scrutinised, but all their interests should be looked after properly. With these remarks, I support the motion.

Mr. J. D. Boyle (Bombay: European): Sir, the Group to which I have the honour to belong feel that sufficient safeguard is probably in the Bill because any contributions to a scheme which will be inaugurated under the Bill have to be approved by the Central Government; and my Group feel that this probably is sufficient safeguard. Mr. Joshi this morning saw fit to draw attention to certain points that were of importance and which the Central Government might bear in mind before they in fact approved of such schemes. I have very little to add to the points that he made, all of which I think were of considerable substance, but there is one point which I should like to amplify, and that is in connection with provident funds and what I might call continuity of service. Those of you who are acquainted with merchant shipping will know that a young man who gets his first job as third mate, as soon as he has got that job, will, if he has any ambitions, start to work for his second mate's ticket. That might take three or four years to get, and he will, in due course, become second mate.

Under the provisions of, at any rate, one of the schemes that have been put forward already, it will be necessary for him to do ten years in the company's employ before he is entitled to draw the whole of his provident fund. That means that though he is entitled to a second mate's job, after four years, he will have to do six more years as third mate with that company before he is able to take a job as second mate, unless, of course, there is promotion in the particular service in which he is employed. It may quite well be and it often has happened that another shipping line will be prepared to offer him a job as second mate during or course of these six years; but, under the provisions of the provident fund as it is laid down at the moment, he would not, unless he is prepared to sacrifice the savings that he has made, be able to take that job for six years. When similar provision was introduced in England all the merchant shipping companies came to an agreement, agreed to the principle of a pool and arranged a provident fund which was interchangeable between all the companies; that is to say, a man might do three years with one company and if he then got a better job with another company he might go and take his provident fund with him and the companies did not mind because what they lost on the round abouts they made up on

[Mr. J. D. Boyle.]

the swings; they got a good officer. I do not know how far it is possible here to get all the shipping companies to agree, but it is certainly very desirable and I think the Central Government would do well to bear this in mind. It means that an officer under the present scheme, unless Government arranged accordingly, might well be kept back for a very long time without any real reason to stop his advance; and I do think the Central Government should bear in mind the advisability of trying to arrange a provident fund scheme which would be applicable to all merchant shipping companies in the country so that a young officer could carry his pension or provident fund with him however much he changed his employment. It is not only a matter of advancement. If a young officer is keen he may very well get more experience: if he is in coastal shipping, he might like to change into a company with overseas shipping: he will get more experience. But if the provident fund schemes are to be based on the same sort of basis as is employed by ordinary merchant firms, he would be quite unable to do that. I think it is both in the interests of the officer concerned and of the merchant service as a whole that if possible a uniform scheme of provident or pension fund should be introduced, or, at any rate, some provision by which a young officer does not lose the money that he has himself saved, if for any reason for his own advancement or for the increase of his own experience the wishes to change the service in which he is employed in less than the scheduled number of years laid down in the provident fund rules.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, I strongly support the suggestions put forward by Mr. Boyle, but I should also like to offer another suggestion. I see that the Provident Fund Act applies only to Government and Railway servants. Section 3 of the Provident Fund Act guarantees certain protection to the deposits made by those who have subscribed to the Provident Fund under that Act, and I suggest that the same protection should be given to those who join the Provident Fund now contemplated. Section 3 says:

"A compulsory deposit in any Government or Railway Provident Fund shall not, in any way, be capable of being assigned or charged and shall not be liable to attachment under any decree or order of any Civil, Revenue or Criminal Court in respect of any debt or liability incurred by the subscriber or depositor."

Mr. N. M. Joshi: Which section is it?

Mr. T. S. Avinashilingam Chettiar: Section 3. As I said, the protection which is now given to those who subscribe to the Provident Fund under that Act should be given to the subscribers of the Provident Fund which is now contemplated, so that the benefit conferred by this Bill may be effective and real. I do hope that the Government will bear this in mind when making rules and if necessary bring forward legislation to this effect.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, so far as the principle and the provisions of this Bill are concerned, there appears to be no dispute. It is recognised that it is a necessary step in order that some of these schemes may be put into operation. Certain suggestions have been made with regard to some aspects of these schemes, and they will be borne in mind by the

Government of India when considering these schemes. Mr. Joshi has indeed gone so far as to say that unless the Government of India give an assurance that full effect would be given to the points he made or insisted upon, he would not be prepared to support this Bill. This Bill, as Honourable Members are aware, is of an enabling character, and there can be no possible objection to power being taken to the effect that if there are approved schemes with certain objects in view, the Government of India shall have power to authorise the necessary changes in the Seamen's agreements so that on their side the necessary contributions for these funds may be made. I am unable to give a positive assurance to Mr. Joshi that the points he has mentioned will necessarily be insisted upon in the very first schemes that may be put forward. It seems to me that it may be desirable that certain schemes may be started in order that a beginning may be made in a very desirable direction but I can assure him that the points he has mentioned, one of which was further stressed by Mr. Boyle, and to which Mr. Chettiar has also drawn attention, will be kept in mind, so that such features as are regarded as essential or desirable may be eventually introduced. And I say the same thing with regard to the suggestion made by Mr. Santhanam. When things begin to move in that direction, no doubt the objects that Honourable Members have in mind will be gradually achieved.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, be taken into consideration."

The motion was adopted.

Clauses 1 and 2 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I beg to move:

"That the Bill be passed."

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That the Bill be passed."

The motion was adopted.

THE INSURANCE (AMENDMENT) BILL.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I beg to move:

"That the Bill to amend the Insurance Act, 1938, be referred to a Select Committee consisting of Mr. Bhulabhai J. Desai, Mr. S. Satyamurti, Mr. Sri Prakasa, Mr. K. Santhanam, Mr. Akhil Chandra Datta, Mr. H. A. Sathar Haji Essak Sait, Dr. Sir Zia-uddin Ahmad, Mr. T. Chapman-Mortimer, Mr. J. H. Thomas and the Mover with instructions to report on or before the 20th February, 1939, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, as I am asking for a Select Committee, it is hardly necessary for me to make a speech. The reasons for introducing this amending Bill are set forth in the Statement of Objects and Reasons, and I can assure the House that the Bill is not of a complicated nature as may appear at first sight from the number of clauses. The objects of the Bill

[Sir Nripendra Sircar.]

have been stated very clearly. Possibly it will save time if I merely read the Statement of Objects and Reasons instead of making another speech:

"Detailed scrutiny of the Insurance Act, 1938, has revealed a considerable number of defects of a technical kind which should be removed before the Act is brought into force. It is also desirable to make it clear that insurers who set up organizations outside British India, and operate through agents in British India are within the scope of the Act. Further, in view of projected legislation in certain Indian States on lines similar to the Insurance Act, 1938, certain disabilities would be imposed on insurers registered under the Act which would seriously impede the development of their business outside British India. The amending Bill is designed to give relief in such cases without impairing the security for policy-holders in British India."

I do not think that although the matters are not very complicated yet discussion in the Select Committee where the matter can be thoroughly thrashed out, will bring out some points which may have escaped our attention and which can be set right later on. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That the Bill to amend the Insurance Act, 1938, be referred to a Select Committee consisting of Mr. Bhulabhai J. Desai, Mr. S. Satyamurti, Mr. Sri Prakasa, Mr. K. Santhanam, Mr. Akhil Chandra Datta, Mr. H. A. Sathar Hajj Essak Sait, Dr. Sir Ziauddin Ahmad, Mr. T. Chapman-Mortimer, Mr. J. H. Thomas and the Mover with instructions to report on or before the 20th February, 1939, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadian Rural): Sir, many of the amendments that have been suggested in this Bill are formal. There are, however, some which are matters of substance, and I would like to point out one of these which, I think, is really very important. I refer to clauses 6 and 17. Clause 6 is an amendment of section 14, and section 14 of the Insurance Act refers to certain registers that have to be maintained by every insurer. This is incumbent upon every insurer under the Act as it is. If the amendment which is in clause 6 of the Bill be accepted, then the section will not apply to marine policies. Let me point out to the House the registers which are asked to be maintained under the section. Those registers are, (a) a register or record of policies, in which shall be entered, in respect of every policy issued by the insurer, the name and address of the policy holder, the date when the policy was effected and a record of any transfer, assignment or nomination of which the insurer has notice, and (b) a register or record of claims, in which shall be entered every claim etc., etc. I do not see any reason why policies in respect of marine insurance should be exempted from the operation of this section. I do think that these registers ought to be kept for every kind of insurance policy. In the Statement of Objects and Reasons we find under clause 6:

"Marine insurance is a specialised form of insurance business and there have been found to exist difficulties, both legal and practical, in applying section 46 to such class of insurance business."

In this connection I would like to refer to section 46. It refers to the application of British Indian law to policies issued in British India. It says:

"The holder of a policy of insurance issued by an insurer, in respect of insurance business transacted in British India after the commencement of this Act shall have the right, notwithstanding anything to the contrary contained in the policy or in any agreement relating thereto, to receive payment in British India of any sum secured

thereby and to sue for any relief in respect of the policy in any Court of competent jurisdiction in British India; and if the suit is brought in British India any question of law arising in connection with any such policy shall be determined according to the law in force in British India."

By clause 17 of the Bill they want to exclude from this section also policies of marine insurance. I have serious doubts whether this amendment is good or whether it is advantageous to those who take out policies of marine insurance in this country. Within the short time before us I have not been able to look up the law in other countries on this matter, but I do think that exemption should not be given in the case of marine policies, that even in cases where a different term is contained in the agreement they should be governed by British Indian law and that even in cases of policies of marine insurance the account books which it is incumbent upon the insurers to keep in respect of all other policies of insurance under section 14, should be maintained. I do think that these amendments are not in the interests of British Indian policyholders. As such I would request the Select Committee to go into this matter carefully. I support the motion.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): It is only matters which are of a consequential nature or which are merely formal that are sought to be the subject of this amending Bill, but I find that two or three matters of substance also have been included. They are, firstly, regarding the assets that have to be maintained by insurance companies in States so far as insurance premia or policies are taken up by States subjects. If a corresponding legislation is introduced in the States it is sought to avoid a double set of assets to avoid the inconvenience that might arise to the extent of the assets that are kept in the State. The other one is, it is sought to bring in within the scope of the Act insurance companies which are not resident in British India but which carry on business through agents or representatives. I would suggest that some other modifications of substance may also be made in the amending Bill.

I find that with respect to the election of policyholder directors, the principle of proxy voting is not allowed. A fixed percentage of directors in an insurance company is allowed to the policyholders, but in practice policyholders who are living throughout the country are not allowed to represent themselves at these meetings by proxies. If this is not allowed this wholesome provision will become absolutely useless. Either postal voting or voting by proxy should be allowed. I would like that a provision may be made in the Act itself to that effect. I have received, and I believe other Honourable Members also have received, representations from insurance agents and insurance brokers associations, that with respect to the premium though the percentage of the commission that is payable to an insurance agent is limited, that provision is sought to be evaded by giving salaries to persons who are appointed agents or by making them clerks or subordinates in the office itself. That kind of evasion ought not to be allowed and a provision may be made in the amending Bill itself to prevent such evasion. I agree with my Honourable friend, Mr. Avinashilingam Chettiar, when he says that section 46 ought to be made to apply not only to policies of general insurance but also to policies of marine insurance. The holders of policies of marine insurance must not be put to a disability. To that extent the provision in the amending Bill which is sought to be enacted

[Mr. M. Ananthasayanam Ayyangar.]

is injurious. The person who holds a policy of marine insurance must not be driven to a foreign court and he ought not to be placed at a disadvantageous position. I do not know from what quarter that objection has been taken and what the material is which has induced the Government to delete that provision from section 46 and make an exception in respect of marine insurance policies. I would ask the Honourable the Mover of this amending Bill to give us some figures as to why a provision that was already there in the Act is sought to be restricted and is found to be injurious to the best interests of marine policyholders, and how he thinks that a change is necessary. Otherwise I support the motion before the House.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I just want to add one more point to the points mentioned by my two friends. The first rules which I understand have already been published in the Gazette should also be placed before this Committee for scrutiny. There may be some points in these rules which may be better dealt with in the form of an amendment to the Act. For instance, I think in the rules it is sought to provide that those companies which have stopped taking new policies but are collecting only renewal premiums will not come within the scope of this Act. It should really be a matter of statute and not of rules. It may be better dealt with in the form of an amendment to the Act than in the form of executive interpretation by rules. So, in order to bring into operation the Insurance Act with the common consent of all people the first set of rules may also be placed before this Committee, so that, although it may not be strictly relevant, the committee might be able to report to this House and this House may be satisfied that the whole Act is being brought into operation in a satisfactory fashion with practical unanimity. I hope that this point will be considered by the Honourable the Law Member who has been so anxious to shape this legislation and to bring it into operation before he lays down his office.

The Honourable Sir Nripendra Sircar: I need hardly say that all relevant criticisms or suggested improvements will be considered by the Select Committee. But judging from the speeches of my Honourable friends, Mr. Santhanam and Mr. Ayyangar, they have made some observations which are not really relevant and possibly the Select Committee will find that that would be outside their scope; that is to say, the whole of the Insurance Act is not now before it, but this is an amending Bill for certain purposes. But I can assure the speakers that whatever is possible will be done, in the matter of having a full discussion in the Select Committee.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That the Bill to amend the Insurance Act, 1938, be referred to a Select Committee consisting of Mr. Bhulabhai J. Desai, Mr. S. Satyamurti, Mr. Sri Prakasa, Mr. K. Santhanam, Mr. Akhil Chandra Datta, Mr. H. A. Sathar, Hafi Essak Sait, Dr. Sir Ziauddin Ahmad, Mr. T. Chapman Mortimer, Mr. J. H. Thomas and the Mover with instructions to report on or before the 20th February, 1939, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE REPEALING AND AMENDING BILL.

Mr. Deputy President (Mr. Akhil Chandra Datta): The House will now resume consideration of the following motion moved by the Honourable Sir Nripendra Sircar, on the 15th November, 1938.

"That the Bill to amend certain enactments and to repeal certain other enactments be taken into consideration."

The Honourable Sir Nripendra Sircar (Law Member): While moving this motion, I said that I shall be agreeable to a Select Committee. I notice that a motion is down on the order paper. If the Honourable Member will move that, I shall be glad to accept it.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I move:

"That the Bill to amend certain enactments and to repeal certain other enactments be referred to a Select Committee consisting of Sir Nripendra Sircar, Mr. G. H. Spence, Sir Syed Raza Ali, Sardar Sant Singh, Mr. Abdur Rasheed Chaudhury, Mr. Menu Subedar, Mr. P. J. Griffiths and the Mover with instructions to report on or before the 1st April, 1939, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That the Bill to amend certain enactments and to repeal certain other enactments be referred to a Select Committee consisting of Sir Nripendra Sircar, Mr. G. H. Spence, Sir Syed Raza Ali, Sardar Sant Singh, Mr. Abdur Rasheed Chaudhury, Mr. Menu Subedar, Mr. P. J. Griffiths and the Mover with instructions to report on or before the 1st April, 1939, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE CRIMINAL LAW AMENDMENT BILL.

The Honourable Mr. R. M. Maxwell (Home Member): Sir, it has been arranged with the Party Leaders that my Bill should be taken up next. If you will agree, I shall move it.

Sir, I move:

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose be referred to a Select Committee consisting of Mr. Shani Lal, Mr. Sri K. B. Jinaraja Hegde, Sardar Sant Singh, Sir Muhammad Yamin Khan, Mr. P. J. Griffiths, Mr. C. J. W. Lillie and the Mover and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

As it is a year since this measure was before the House I may perhaps very briefly explain to the House its general scope. As the House is aware, section 565 of the Criminal Procedure Code provides that in the case of certain previously convicted offenders the court may, when passing sentence, order that the residence or any change of or absence from such residence should be reported to the police as provided by rules framed under sub-section (3) of that section. Sub-section (5) of section 565 provides that any failure to comply with an order made under that section shall be punishable as an offence under section 176 of the Indian Penal Code. The punishment

[Mr. R. M. Maxwell.]

provided in section 176 is simple imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

Now, it is not proposed to alter that substantive provision as it stands in section 176 of the Indian Penal Code but it is proposed to extract a certain class of offences, namely, those arising as a consequence of the operation of section 565, from the sub-clause of section 176 and to make a separate sub-clause for them in which the punishment provided for the offence will be not only simple imprisonment but imprisonment of either description. It is not proposed to create any fresh offence or to extend the maximum term of imprisonment or the maximum fine. The only difference which will be made in respect of this particular class of offences will be that it is within the option of the court to award either simple or rigorous imprisonment. The reason why this measure has been found to be necessary is that we are in this case dealing with persons who are habitual offenders and not only habitual offenders but persons who have been convicted more than once of certain serious classes of offences mentioned in section 565 of the Criminal Procedure Code. Among those are the more serious offences against property and the offences of counterfeiting coin and currency notes. These persons whom we have to consider must be regarded as habitual offenders and they are the class of persons to whom the prospect of free food and lodging without work offers no deterrent and, therefore, the tendency has been for persons of this class to disregard repeatedly the orders of the court about notifying their residence. It has, therefore, been brought to notice that it is necessary to provide for rigorous imprisonment in suitable cases. An additional reason is that if the court has no option but to award simple imprisonment for offences of this class it means that habitual offenders have to be associated with the usual type of casual offenders who commit offences punishable with simple imprisonment; and, therefore, there is an additional reason for not allowing these habitual convicts—persons convicted of serious crime—to be associated with persons of a different class altogether. When this measure was last before the House a year ago, it was the will of the House that it should be circulated for opinion. That has now been done. The vast bulk of the opinions received are in favour of the measure as drafted by Government but a very small number of opinions, not including any Provincial Government, is in favour of some reduction of the period of imprisonment or some reduction of the fine. Only one Provincial Government is not in favour of the principle of the Bill, that is, giving the option of rigorous imprisonment, and on the other hand one Provincial Government and a number of other officers and bodies consulted are in favour of even enhancing the period of imprisonment to one year. Those are the only suggestions which affect the principle of the Bill but a certain number of other useful suggestions have been made by the officers and bodies consulted. These are mainly of a drafting character and could be considered more conveniently in Select Committee, if the House accepts the principle of the Bill as I hope it will. Sir, I move :

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved :

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose be referred to a Select Committee consisting of Mr. Sham Lal, Mr. Sri K. B. Jinaraja Hegde, Sardar Sant Singh, Sir Muhammad Yamin Khan, Mr. P. J. Griffiths, Mr. C. J. W. Lillie and the Mover and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, it is not my desire to obstruct the motion which has been moved by the Honourable the Home Member for reference of the Bill to a Select Committee. But I would like to make just one observation so that it may be taken into consideration by the Select Committee when it deals with the Bill. The Statement of Objects and Reasons states that certain type of offenders, *viz.*, those who have been found repeatedly guilty of offences involving theft, robbery, dacoity, etc., etc., are liable under the law as it stands at present, as laid down in section 176 of the Indian Penal Code, to simple imprisonment for a period extending to six months. It is now proposed by means of this Bill to change the nature of the imprisonment into imprisonment of either description. The Honourable the Mover in the course of his arguments stated that the large majority of the opinions were in favour of this Bill and he also reinforced his argument by adding that most of the Provincial Governments with perhaps one exception were in favour of the provisions of the Bill. Now Provincial Governments are Provincial Governments, and whatever political views they may hold, they are always for deterrent sentences. But the point I want to make is this. We are dealing with habitual offenders who have perhaps been repeatedly convicted not only under the substantive section but also under the appropriate section read with section 75 of the Indian Penal Code. Now, all these offences are punishable with rigorous imprisonment. These people have already served a series of sentences which are generally, in most of the cases, imprisonment which is not of the simple variety but of the other kind. I fail to understand how the conversion of the simple imprisonment into imprisonment of either description will act as a deterrent to people who have already been in jail three or four times. How this can act as a deterrent? I think the time has come when the entire theory on which our criminal law is based should be reviewed. Sir, there are many countries in which a lot of research work is carried on and people have come to the conclusion that you cannot reform criminals by simply making sentences more deterrent. Now, supposing a man fails to give his address, would it be proper to alter the imprisonment into imprisonment involving labour, and the question is, would that act as a deterrent in the case of a man who has already served long terms of rigorous imprisonment? Therefore, this is the suggestion I am making and I hope the Honourable the Home Member and the Select Committee which will address itself to this task will bear this aspect of the case in mind when deciding whether the imprisonment should be made more deterrent or not. Sir, I support the motion.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I do not want to interfere with the passage of this Bill, but as it seems to me that the main contention of Government in this connection is that if a sentence is rigorous and not simple, it acts as a deterrent, I should like to undeceive them. My friend, Mr. Abdul Qaiyum, has referred to this matter in his speech just now, and I should like to say something more on the same subject. My difficulty is that I am dealing with men who have no personal knowledge of jails. Though my Honourable friends opposite have sentenced people to jail, they have probably never been inside a jail themselves except as esteemed visitors. Well, I am a habitual offender in a way; and having been a 'C' class prisoner also I have had opportunities of rather intimate conversations with habitual criminals described as such in the Statement of Objects and Reasons.

[Mr. Sri Prakasa.]

Now, Sir, if you ask a person who has been to jail whether he would prefer simple or rigorous imprisonment, ten to one, myself included, would say: "I would prefer rigorous imprisonment." Twice I went to jail. On the first occasion the kindly magistrate sentenced me to simple imprisonment. I myself then thought that that was a nice thing and I might have a merry time. But the result was that the very next morning I found there was no breakfast! While the rigorous imprisonment people got their handful of gram, I got nothing, and having myself been used practically all my life to a morning cup of tea. I must confess I was very unhappy. The first meal arrived about midday, which had better not be described, and the second and last arrived at 5 o'clock in the afternoon, and there was nothing more.

Mr. Manu Subedar: Describe the meals.

Mr. Sri Prakasa: At mid-day there were seven *chapatties* with some concoction of pulses seasoned with oil and salt. In the evening there were again seven *chapatties* and some baked vegetables. The rule was that you must eat all the seven. You cannot pass any of the food to any other person who might be able to finish them more easily than yourself. You must not pass your food to anyone else and you must eat the whole of your food. It was hard job. Well I could not get to the end of the *chapatties* either in the morning or in the afternoon! Next time I got rigorous imprisonment and though I was sentenced to twelve months I came away after ten months. There are no remissions for simple imprisonment. As soon as you go to jail whether as a political offender or not, you start counting the day on which you will be let off. So, when you get rigorous imprisonment you are going to have a lot of remissions, and if your conduct is good you get an extra one month for every year. Therefore, with three days per month as ordinary remission and one month per year as extraordinary remission, the total comes to a satisfactory amount. If my Honourable friend opposite is going to threaten habitual criminals who have done rigorous imprisonment for years before with another six months rigorous imprisonment instead of six months' simple imprisonment for violation of the new law, he is saying something to them which will please them and not deter them at all. So I personally think that this is not going to lead the Government anywhere.

Now I come to this class of prisoners itself. I got into trouble with Government, on a previous occasion, by making a sweeping remark against public officials in general but I hope I shall not be mishandled again if I make another similar remark. The pity is that these interesting characters, the habitual criminals, write no autobiographies and others are not interested in writing their biographies either, so you know very little about them. But if you are interested enough, you might get into intimate contact with them and you will soon begin to like them. They are arresting and even lovable characters. They have their own codes of honour and of morals as well. In my province a habitual offender is called a P. R., that is, a person who is on the Police Register. In the jail, the same man is called the Police *piar*, that is, a man who is loved by the police. *Piar* means love. So this gentleman who is a habitual offender becomes a police *piar*, and he is really loved by the police and his biography is something like this. He makes a contract with the policeman who is deputed to see

that the man keeps indoors at a particular hour at night. He says to the policeman on the beat: half and half. He further says: "I go out between 12 and 1 tonight and you visit my house between 12 and 1 and enter in your diary that I was present in the house and the booty that I bring home will be divided 50: 50." Now, Sir, how are you going to get out of that? I am not drawing on my own imagination. I have had intimate conversations with these gentlemen in the jail itself. I am only telling the House their stories.

Then, do you think that a man who is sentenced to rigorous imprisonment, if he really does not want to undergo all the hardship you want him to, is not able to save himself? Well, I hope I shall not be accused of exaggeration when I tell the story of the jail quite frankly before the whole world. It is this. A man is brought into the jail having been sentenced to rigorous imprisonment. The jail officials have found out that the man has made a big haul as the result of a dacoity or a theft. What the man himself has done is this. He had hidden the treasure in the earth somewhere before he was caught and brought to jail. About midnight a jail warder comes up to the iron bars of his barrack. This jail warder has a piece of paper and a small pencil secreted on his person and this man is called up to the grating. Of course, the night watchman goes up and down counting the numbers 1, 2, 3 and 4. Most of us on this side may have had some experience of it, but the description may perhaps interest the Members on the other side including my friend over there who has been a Superintendent of Jails but who perhaps does not know himself what happens there.

A voice: Who is that gentleman?

Mr. Sri Prakasa: He is my Honourable friend, Colonel Rahman. Be it said to the credit of Colonel Rahman that he was one of the best Superintendents of Jails so far as we politicals were concerned, and we have a pleasant memory of him though not of many of his contemporaries. Well, Sir, this prisoner comes to the grating regardless of the convict night watchman who goes up and down counting 1, 2, 3, 4 making it impossible for any one to sleep. In my barrack there were 64 prisoners. He counts upto 63 and then says: 63 and 1, 64 prisoners and *tala, jangla, lalten, sab thik* "Huzur."

Mr. Manu Subedar: What is *lalten*?

Mr. Sri Prakasa: There are two tiny lanterns hanging on the two sides of the long barrack which only help to make the darkness more visible. The convict night watchman goes on repeating constantly: 64 prisoners, locks, lanterns and the grating all complete, Hazur. By 'Hazur' he means the Sovereign 6,000 miles away. He informs the Sovereign every five minutes that all his prisoners are in. Of course, if one of them dies it does not matter because he is only counting the bodies and not the souls. Sir, it is said in the jail that if a prisoner dies, only a flea dies, but if a prisoner escapes, a lion escapes. Therefore, as long as the bodies are safe, everything is safe. To come back to my story. When this warder appears at the grating with a piece of paper and a tiny pencil which he brings out from some part of his body which need not be mentioned, he gives them to the prisoner concerned and says: "Now, you write on this as to what you would like to give to the jail officials if they do not make you work as you have been sentenced to work." The prisoner thereupon writes on that slip to his people as

[Mr. Sri Prakasa.]

to where the treasure is to be found and how much is to be given to the jail to secure relief and comfort. The man with whom I had a conversation was a Mirzapur convict and he told me all the details. "I make a big haul every six or seven years, leave it under a tree. Later I smuggle a letter out and my family goes there and takes out that treasure and lives comfortably on it for seven years. When I go out, I commit another dacoity and in the same way provide enough for my family for another seven years."

In this way, this tiny letter is smuggled out and his people come to visit him. If they live in some other town, then the warder takes leave for three or four days and makes a journey to that place and brings the family. There is an interview and then a certain sum of money is allotted for the jail officials, warders and others. The result is that if the man is required, as he is in my province, to grind 30 seers of corn per day, as a rigorous prisoner, he is let off with only half a seer or so. He is not put to any hardship. The 'simple' prisoners, moreover, are shut up in their barracks all day as they are not supposed to do any work and, therefore, they are not allowed to go out. These rigorous imprisonment people have at least the advantage of being taken out and thus they see the other parts of the jail and the world outside also, working in the gardens and the superintendents' bungalows which the simple imprisonment people are not allowed to see.

So the class which is envisaged by my Honourable friend opposite and which he wants to deter from mischief is a class which cannot be roped in in the manner he is proposing. I, therefore, think that this law is going to be a dead letter

Let my Honourable friend opposite try some other methods.

Sardar Sant Singh (West Punjab : Sikh): What do you propose?

Mr. Sri Prakasa: It will take too long a time for me to say all I should like to say because I have many proposals about jail reform. I do not think this is the proper occasion to mention them but I can give my Honourable friend a lecture for about three hours if he would have the patience to listen to it. He is perhaps more fond of making other people listen to his own orations rather than listening to others himself. But if he has the patience some afternoon, I can regale him with many other good stories of jail life and also make my proposals as to how to reform prisoners, jailors, and men generally including himself. I repeat my fear that this law is not going to serve the purpose that my Honourable friend has in view. The matter is really a serious one. It is a matter of human psychology and human need, and unless the Government are willing to meet human nature in its psychological aspect as well as the aspect of creature necessity, the Government cannot do much. I think there are ways in which reforms can be introduced. But merely heaping punishment upon punishment is no remedy. A man who has been once to jail for what is called an offence involving moral turpitude has really lost caste

and it does not matter to him if he goes into jail again and again. As the old Sanskrit *sloka* says:

*"Yathā-vai malinair-vastroih,
Yatra-tatra upavishyate;
Evam chalita-vritten,
Vritta-shesham na rakshyate."*

"Just as with dirty clothes on one's body one sits anywhere without making sure that the seat is clean as one does when one dons new clothes, so when once one loses one's character, one does not care to preserve even the little that may be left." So that when once a man has been to prison for offences mentioned in the Bill, he has lost caste with society, he has lost all possibilities of honourable employment, he is looked down upon by everybody, and he seeks relief in going back to jail. When I was last in prison, there was one man there who was doing his 24th conviction. That unfortunate man belonged to the depressed *Dom* community of Benares. When I asked him why he came again and again into the jail, he said that he had no other place to go to. My Honourable friend opposite was talking of free food. Yes, free food is an inducement to that type of man to go to jail once he has been to it before. This man had done two life sentences, had been to the Andamans, and every time within a few days of his release, he had come back to jail. Why? Because society had no need of him. Because he cannot get any suitable employment outside. He prefers to work in jails as a sweeper cleaning the night soil of his brother prisoners to remaining outside without friends, relatives or employment.

This is the condition in which Government, by its laws, is reducing a large number of my people, and if my Honourable friend thinks that he has only to add one more conviction to the credit of such a man, he has only to add another six months of rigorous imprisonment to the years that he has already undergone before this, in order to deter him for the future, then with all respect I say he is mistaken. If my Honourable friend and his Government are really anxious that these pests of society should no more remain pests, that they should turn into useful citizens, the one thing that I can propose is that Government may set up a committee of some of us who have inside knowledge of these things so that we may be able to make some recommendations in order that matters might improve. I was really surprised when I learnt from my Honourable friend opposite that almost all Provincial Governments have supported this measure. It is possible that many Members of many Governments have forgotten in the preoccupations of their present office their own past experiences of jail life. Today a large number of men, who are in positions of power, responsibility and authority in the Provinces, have been in jail before, and if they happen to have forgotten what they ought to have remembered, if they have also made light of the experiences through which they themselves have gone, I can only say that I wonder and I sorrow. I believe that if these matters are tackled from the standpoint of sympathy and understanding, much good can be done. Punishment is no cure for anything—that is firm conviction—unless punishment is given not in anger but in sorrow, unless punishment is given by those who love and not those who hate. The manner in which punishment is given now is one which can bring confidence to no one. The magistrate convicts in anger; the Superintendent of Jail treats his prisoner in anger; the least trouble or difficulty which an accused or a prisoner may raise is punished with severity regardless of the fact that the poor man has

[Mr. Sri Prakasa.]

had a bad night and no breakfast while the Magistrate and the Superintendent of Jail himself had had a good dinner, a good sleep and a good breakfast as well in this interval. So long as society is divided between the rulers and the ruled, so long the society is divided between the hunter and the hunted, so long as society is divided between the punisher and the punished, so long there can be no peace in the world.

The Honourable Mr. R. M. Maxwell: Sir, as the House has not expressed itself against the principle of this Bill, I need not say much. But I may say with reference to my Honourable friend, Mr. Sri Prakasa's remarks, that it does him great credit that he at least has a preference to work for his living on the frequent occasions when he is the guest of His Majesty's Government. On the other hand, we must acknowledge that not all those who similarly become the guests of the Government have these praiseworthy sentiments. We are now talking of the class of offender who, rather than do an honest day's work, has spent his time in robbery or dacoity or counterfeiting coins or currency notes in order to deceive and cause loss to those who are less clever than himself: and to people of that kind possibly the prospect of having to do a little work for their living in jail may offer some kind of deterrent. But if we followed up the principle advocated by my Honourable friend, we should go even beyond the principle of the Bill and instead of restricting it to one class of the offences covered by section 176, in order to give the option of imposing rigorous imprisonment in those cases, we should expand it to all the offences punishable with simple imprisonment under section 176 and indeed to all the offences punishable with simple imprisonment throughout the Indian Penal Code by way of making punishment for those offences somewhat less onerous to the sufferers. As we stand, we can only work on the principles which have hitherto been adopted in the scheme of the Indian Penal Code and we cannot allow ourselves to be diverted by the, at first sight, attractive idea that the graver the offence that a person commits, the easier the treatment he is entitled to when in jail.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

It is quite possible that new theories of penology may in future hold the field and I fully agree with my Honourable friend that much remains to be done by human society in these matters. For the present, however, we can only work on our accepted theories and try to make our penal enactments as logical and complete and thorough as possible. I think I need say no more as I hope the House will accept the motion.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose be referred to a Select Committee consisting of Mr. Sham Lal, Sri K. B. Jinaraja Hegde, Sardar Sant Singh, Sir Muhammad Yamin Khan, Mr. P. J. Griffiths, Mr. C. J. W. Lillie and the Mover and that the number of Members whose presence shall be necessary to constitute a meeting of the committee shall be five."

The motion was adopted.

THE INDIAN NAVAL RESERVE FORCES (DISCIPLINE) BILL.

Mr. C. M. G. Ogilvie (Defence Secretary): Sir, I move :

"That the Bill to provide for the discipline of members of the Indian Naval Reserve Forces raised in British India on behalf of His Majesty be taken into consideration."

The Bill is a very short and simple one, but I think that a brief explanation of the background of it is perhaps necessary and will be of interest to the House. The Royal Indian Navy became finally and fully a combatant service with the passing of the Indian Naval Discipline Act in 1934. All combatant forces must necessarily make provision for reserves who will bring war organisation up to strength in the event of mobilisation. Much initial work had to be done in enabling the Royal Indian Navy, as it has now become, to receive a graft of reserves upon its active cadre. That re-organisation has now been more or less completed at least as far as the formation of reserve forces is concerned. The increase in personnel which is required in the event of mobilisation is largely due to the requirements of local naval defence which may be briefly defined as keeping ports and harbours and the approaches thereto clear of enemy mines and submarines. The reservists will be mainly required for purposes of local naval defence, but they will, of course, also be liable to service in any branch of the Royal Indian Navy either in the sea-going vessels or in the shore establishments. Now there are four reserves either in process of formation or which it is proposed to form and I think the House might like to know a little about each of them and what exactly they are.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Is it in the "public interest" to give the information?

Mr. C. M. G. Ogilvie: I should not be giving it if it was not.

The first is the Royal Fleet Reserve which consists of ratings who have served their time in the Royal Indian Navy and have retired on discharge or pension. It corresponds exactly with the regular reserve of the army. The second is the Royal Indian Naval Reserve. That is designed to correspond with the Royal Naval Reserve in the United Kingdom. It is to consist of both officers and men and will be drawn from those who follow the sea as a profession, that is to say, from the mercantile marine; and it seems that the vast majority must be drawn,—presuming of course that they are forthcoming,—from ships on the Indian register. The third reserve is the Royal Indian Naval Volunteer Reserve. That corresponds to the Royal Naval Volunteer Reserve in the United Kingdom, and its counterpart in the army is the Army in India Reserve of Officers. It consists of officers only and will be drawn not from professional seamen but from amateur enthusiasts or professional men who feel that they would like naval volunteer service. It will be drawn, in other words, from precisely the same types of persons as the Army in India Reserve of Officers now is. The fourth and last is the Royal Indian Naval Communications Reserve. That will be drawn—both officers and men,—partly from the ranks of professional wireless operators and wireless technicians and partly from those who are not professional but who are interested in the subject and would choose that branch of the service to volunteer for.

[Mr. C. M. G. Ogilvie.]

Sir, I will now proceed to the purposes of the Bill. The Bill is designed to bring these four reserve forces, which I have briefly described to the House under the Indian Naval Discipline Act. One of them, it is true, is already subject to that Act, that is, the Royal Indian Naval Volunteer Reserve composed of officers which found a mention in the Indian Naval Discipline Act; but the other three have no mention in that Act, and, therefore, were they to obey the summons in the event of mobilisation and appear, they would not be under naval discipline. The second purpose is to provide a sanction to compel reservists to obey the summons. As matters stand now there is no such sanction and any reservists, if called up either for the purposes of training or for actual service, could decline to do so. The Bill corresponds very closely with the Indian Reserve Forces Act which deals with the army. There are certain main differences which I will briefly state. Clause 4 of this Bill, which corresponds to clause 5 of the Indian Reserve Forces Act, subjects reservists to the provisions of the Indian Naval Discipline Act, only when they are actually called up for training or called up for actual service. When they are not so called up but are carrying on their ordinary avocations they are not subject to the provisions of that Act. That is different from the army regulation. The army reservist is at all times subject to military law in the same way as a serving soldier. Clause 5 corresponds to clause 6 of the Indian Reserve Forces Act and prescribes penalties. It is different from the Army Act in that it makes a differentiation between the cases of persons who have without sufficient excuse failed to obey a summons for training and those who have failed to obey a summons to appear for actual service. Under the Indian Reserve Forces Act, both these failures are liable to be punished with imprisonment. But in this Act we have followed the corresponding Act in the United Kingdom and propose to punish failure to attend for training only with fine, reserving the punishment of imprisonment for those who have failed to appear for actual service.

Clause 6 which corresponds to clause 6 (2) of the Indian Reserve Forces Act is a measure of expediency and such departures as it envisages from the ordinary rules of evidence are of course a commonplace in cases of this kind. It exactly corresponds with that in the Indian Reserve Forces Act measure and similar clauses will be found in the Army Act—section 163—and in the Indian Army Act—section 91 (a); and it is designed to avoid the necessity for an officer who has certified that a reservist has not appeared, having to appear himself in person at a court, perhaps a long way off, to give evidence to the same effect. If he had to do that the results would, of course, be extreme inconvenience and expense to the State and in time of war would be obviously wholly impracticable. The remaining clauses, apart from the first three, are largely consequential amendments and require no explanation from me at this stage. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved.

“That the Bill to provide for the discipline of members of the Indian Naval Reserve Forces raised in British India on behalf of His Majesty be taken into consideration.”

There is notice of an amendment for circulation. Does the Honourable Member want to move it?

Mr. Abdul Qaiyum (North-West Frontier Province: General): No, Sir.

Mr. President (The Honourable Sir Abdur Rahim): There is also one for reference to Select Committee.

Mr. Abdul Qaiyum: That also I am not moving.

Mr. B. Das (Orissa Division: Non-Muhammadian): Sir, I rise to oppose consideration of the motion moved by my Honourable friend, Mr. Ogilvie. Mr. Ogilvie happens to be the fourth Army Secretary who has tried to tinker with this Indian Naval Discipline Bill. The first motion was stoutly opposed and rejected by this House in 1928. The second one was introduced by Sir Rotherford Tottenham and was not pressed, and he went home on a holiday. The third one was moved by his successor, Colonel Lunby, and carried by the House as it was then constituted, though it was stoutly opposed by those who could speak on behalf of the nation: the Bill was carried in the teeth of the opposition of this side of the House. The main ground of opposition in 1928 still stands. At that time, the House of Commons took it into their heads to amend the Government of India Act, and thereafter, although that amending Bill was stoutly opposed by some prominent members of the Labour party, it was passed by the then conservative government. In line with that they wanted to introduce the Indian Naval Discipline Bill which was passed in 1934 as I pointed out. I will just quote a passage from the speech of Mr. Wheatley who summed up the view of the sober section of the members of Parliament at the time. During the third reading, Mr. Wheatley, who I think was the Speaker afterwards, said:

"I want to take this opportunity to enter my most emphatic protest against the provisions of this measure. I do not know what case was or can be made out for the Indian Navy. But I know no case can be made out for an Indian Navy which is not under the control of the Indian people. What we are asked to do here is simply farcical. We are asked to subscribe to a situation in which there will be an Indian navy which may be taken away by the very people who in certain conceivable circumstances may be India's chief enemy,"—(*I hope my Honourable friend, Mr. Ogilvie, understands that that chief enemy is Britain.*)—"and used by these people while they retain the power and the right to say who is to pay for the navy during the time it has been used without the consent of the Indian people."

At that time, my esteemed friend, Mr. Jinnah, participated in that debate and he emphatically pointed out that as long as India had no control over the navy the Indian people would not be a party to any Indian Naval Discipline Bill. As I pointed out, thereafter, when the House did not represent the real spirit of the nation, by a majority of one or two votes, and supported by the myriads of loyalist Members who were then in the House, the Government passed the Indian Naval Discipline Bill. I was going over the debates just now, and I found one of those henchmen or chief supporters of the Government hailing from the same province as my Honourable friend, Mr. Ogilvie, does, challenging the Congress and speaking things against the Congress when the Congress was not properly represented on the floor of the House. I had the temerity then to protest on behalf of the Congress, and I said:

"On behalf of the Congress. I may tell my Honourable friend that they will oppose tooth and nail such Bills."

I find that subsequently he challenged the Congress taking huge salaries, and I interjected and said:

"Five hundred rupees will be the maximum salary."

[Mr. B. Das.]

Sir, that has materialised. Both these assurances have materialised.

4 P.M. As I said, Mr. Ogilvie is the fourth Defence Secretary to bring up this matter. But he is not satisfied with creating a naval reserve force only for the Royal Indian Navy. He wants to create three other Indian naval reserves. He wants to create these reserves to get hold of Indians working as lascars or as light-house controllers and as dock-labourers and take them completely under the Indian Navy Discipline Act, not of the Government of India—the Government of India have no control, not even Mr. Ogilvie has any control—but place it under the British Army and the British Navy. We are not going to subscribe to this. He is not going to get from the present House this kind of blank cheque which he wants. We are very much accustomed to Mr. Ogilvie's mannerisms. Whenever this side of the House has sought any information, any knowledge out of him in the public interest, he has tried not to impart any information in "public interest". His public interest means British conquest and British naval supremacy and British army supremacy; and although he earns his salary from the Indian taxpayers, he still feels that he must be true and loyal to the dictates of the British War Office and the British Admiralty and he must not impart any news to us. Sir, a few minutes ago, while he was talking, he somehow mentioned about Mercantile Marine. Does he understand anything about the Indian Mercantile Marine? If he had any interest in the Indian Mercantile Marine, he would have been present in the House when the Honourable the Commerce Member discussed the Bill here only a few minutes ago relating to the Indian Merchant Shipping, and that measure, curiously enough, deals with the welfare of the employees of the Indian Mercantile Marine. Sir, this House has all along demanded the establishment of an Indian Mercantile Marine. Unfortunately the Government on whom we make this demand is not the same Government which Mr. Ogilvie represents. He is nothing but a slave or rather the mouth piece of the British War Office. So the Government of India has created no Indian Mercantile Marine although there was an Indian Mercantile Marine Committee appointed in 1924, which unanimously recommended and pointed out in detail how great was the need for the creation of an Indian Mercantile Marine. Has the Army Secretary or the Department which he represents here assisted the Commerce Department or the Commerce Member or have they advised the Government of India that a proper Indian Mercantile Marine should be created? Where will he get his reserves from? Is he going to commandeer them in war time or is he going to depend on the loyalty of the B. I. S. N. Co. and a few other British shipping companies which ply their ships on the Indian coast? I believe my friend and the British Navy have some such thing in their mind.

Sir, the main ground why we oppose this Bill is the higher moral ground that the Government of India have no right to come to this House and ask for our permission for expenditure, for acquisition of new power, when the Government of India have not conceded to us the right to control our army and navy. Sir, that well known discussion in the House of Commons in 1927 revealed the mind of the then Under Secretary of State who almost began to shed crocodile tears how could he allow Indians to control the Indian navy when the Indian Army was not controlled by Indians? That is the whole secret. Why is this Bill then? My friend, Mr. Ogilvie knows that he has ample powers. He knows that he can ask

the Finance Member and grab any money. He has already purchased six sloops here, he can purchase another 10 sloops. The Finance Member, if the finances permit or if the world conditions require it, can take a loan and present my friend with a battle ship costing crores. That is possible. The vote of this House does not matter in the least. Even if we vote against any proposal to expand the Royal Indian Navy, Mr. Ogilvie and his friends including the Finance Member will see that money is found to create the various naval bases on the coast of India with the assistance of British naval experts who are now surveying the coasts of India, and, Sir, their efforts are going to fructify shortly. I ask Mr. Ogilvie, has he taken us into confidence? Has he taken at least the leaders of parties into his confidence; though he may not take us, back benchers into his confidence, has he taken into his confidence my Leader, Mr. Bhulabhai Desai, the Leader of the Opposition, or the Leader of the Muslim League, Mr. Jinnah, and other Party Leaders, and consulted them whether the naval bases ought to be a feature on the Indian coast, whether India is going to provide these naval bases which alone can save the British Empire? We all know that the British Empire is tottering. The British Empire is threatened in the Mediterranean, no British war ships will be able to come to the Indian ocean through the Suez Canal, and to save the eastern extreme of the British Empire, Australia and New Zealand, they must have war bases in India, and already experts are carrying out the survey. Not only have these experts surveyed the naval bases, but they have also surveyed the whole Indian coast to find out suitable sites for air bases, for the location of air ports, so that air ships can be stationed at suitable places and they can fight for the safety of the British Empire making India as the principal base. Why should India be a party to this? If Britain had sought our friendship,—this is not the first time I am saying it, Sir, we have repeated it a hundred times on the floor of this House and a thousand times outside the House,—if Britain had sought our friendship, if Britain had given to India what is her due, India would have been friendly to Britain and she would have helped Britain, as she unwillingly did during the last Great War. Sir, we know that the British Empire is threatened. My friend opposite may get up and say 'No' he may say that Britain is very happy, and yet Premier Chamberlain is running about in Europe to Mussolini and to Hitler begging for peace of the British Empire. Sir, Britain has become swelled headed with wealth and its people have also become very ease loving. They are no longer a martial race and they do not want to fight. Statesmen in England think it is safer not to fight with Mussolini and Hitler, but my friend the Army Secretary and his predecessors each of whom must have spent 25 to 30 years in India do not understand the spirit of India. If they had understood the spirit, they would not have taken each time, by force as it were, our consent by trying to divide us here, by dividing one section against another. They are trying to create different interests, States versus Indian people, Congress versus Indian States, and thereby they think they will be able to maintain that tottering British Empire for a couple of years more. That cannot happen always. Sir, my Honourable friend has been very very unwise to bring forward such a measure as this at this time, in the year of Grace 1939 to get the sanction and approval of the Indian people. If my friend gets the sanction of a few friends or even of my friend, Mr. James, who poo-pooed me three years ago when I was talking about the marine life and the naval successes achieved by the people of Orissa who conquered Java and Sumatra and even Burma

An Honourable Member: Australia too.

Mr. F. E. James (Madras: European): On the contrary, I did not poopoh the Honourable Member. I remember conferring upon him the temporary title of Admiral.

Mr. B. Das: I am glad he recognised his error, and he admits we have been a great sea-faring nation.

Mr. F. E. James: On dry land.

Mr. B. Das: My Honourable friend, Mr. Ogilvie, comes from the land of five rivers. He is accustomed to straight talking, he does not think that there is a background necessary for the difficult Bill which he has introduced. He talks plainly, he says, "I want these reserve naval officers, I want these men. The necessary concomitant is that the money that will be required will be footed by you. I want it in the name of the British navy. In the name of the British Government I demand this." But he does not mention the necessary concomitant. The necessary concomitant is that India will have to buy more warships. Only two days ago I was reading an article in the *Statesman*. There was a challenge why India should not build aeroplanes. That question has been asked very often on the floor of the House and what has been the cynical reply of my Honourable friend, Mr. Ogilvie.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better confine himself to the Bill.

The Honourable Sir Nripendra Sircar (Law Member): He is now in the air!

Mr. S. Satyamurti: Mr. Ogilvie won't tell us anything. Why should we co-operate with him?

Mr. B. Das: To the question in the *Statesman* Mr. Ogilvie will, I hope, reply why they are not able to build aircraft in India.

Mr. President (The Honourable Sir Abdur Rahim): The House is not concerned with aircraft now.

Mr. B. Das: With naval craft we are concerned, and in that speech which I made in 1928

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may have other occasions to deal generally with the defence of India, but with regard to this particular Bill he must confine himself to the provisions of this Bill.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Anti-aircraft guns are there on the ship.

Mr. B. Das: In my speech of 1928, I pointed out, by quoting different texts, that when Britishers came to India they purchased all their ships from Calcutta and Bombay. But today they do not allow the development of shipbuilding trade in India, and yet they want us to give them

an unlimited, blank cheque for maintaining an Indian navy, and they want naval armament and ships and we have to foot the bill. If it was really an Indian navy—I am not concerned with the prefix “Royal”,—if it was really an Indian navy, the first thing is that the navy should be built in India, the naval armament should be manufactured in India, and the Indian shipbuilding trade, if properly encouraged, will remove the unemployment problem of India. The second point on which I laid special emphasis was that if the Indian Government was a national Government it would have developed an Indian mercantile marine and not run behind its masters the British ships and discouraged Indian mercantile marine.

Mr. President (The Honourable Sir Abdur Rahim): All that has nothing to do with this Bill.

Mr. B. Das: The third point is that, although Mr. Tottenham was eloquent over the Indian Naval Discipline Bill while we were discussing it that the “Dufferin” would make the necessary training ground for Indian naval officers and although since then one in three has been fixed for recruitment every year, very little has been done to increase the number of naval officers in the Indian navy. Although six sloops have been purchased with a number of imported officers, probably most of them, nay, all of them are Britishers. My Honourable friend wants to create a Royal Indian Fleet Reserve and a Royal Indian Naval Reserve. What will happen? Some of the British naval officers who are unemployed will be imported into India and that will be treated as Indian Naval Fleet Reserve and Indian Naval Reserve. India is not going to employ the unemployed naval officers in Britain as naval reserve officers in India. My Honourable friend does not care to explain. In public interest he need not give out secrets, but whether the proportion of Indians will be one in 100 or one in three or will be none, he does not reveal anything at all. On these grounds I am opposed to this motion. If we look into the Statement of Objects and Reasons we find that the punishment that is provided is out of all proportion. We can picture what will happen. Owing to Mr. Neville Chamberlain’s begging war has receded a little, but it is going to come next year.

Mr. M. Asaf Ali (Delhi: General): It is coming this year.

Mr. B. Das: I will be glad if it comes this year as my Honourable friend says. Then, my Honourable friend, Mr. Ogilvie, will come down on bended knees and make a different speech.

Mr. S. Satyamurti: Even then no? God help you! We won’t.

Mr. B. Das: I see great harm to the Indian shipbuilding industry. We were talking about the Scindia Steam Navigation Co. a few minutes ago. The British navy will commandeer all the Indian steamers, but I wonder whether it will allow an Indian captain to have guns placed at the back of the ship. I do not think that Mr. Ogilvie can dare write a letter to the British Admiralty that Indian officers commanding ordinary Indian mercantile ships can place guns on deck of their ship. But very likely I can picture this also. They will commandeer all the Indian owned and Indian manned steamers, but they will allow the P. & O. and the B. I. S. N.

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to continue plying their trade for the sake of British trade and British commerce. British trade must not suffer. Britain may be engaged in war in any part of the world, but Indian trade will be killed. While Mr. Ogilvie and his friends seek our co-operation and assistance they will try to stifle Indian industry. As I am opposing the Bill I need not go into the merits of the clauses, but I do think that this fine of Rs. 200 in clause 5(1) has become imprisonment for two years in sub-clause (2). But that is a matter which I will leave to my friends, the lawyer members, to discuss. I appeal to Mr. Ogilvie, if he has any good sense he may withdraw the Bill and not allow any further discussion. If he has not got that good sense or courage, or if he has got peremptory orders from the Admiralty, let him know that the heavy hand of Nemesis will fall on the Bill and that the Bill will be rejected.

Sardar Sant Singh (West Punjab: Sikh): Sir, I oppose the Bill from a different point of view. I oppose the Bill on the ground not only because of the principle underlying the Bill—that has been done by my Honourable friend, Mr. B. Das,—but from this point of view that it is a serious encroachment on the rights and privileges of the Legislature. Look at clause 3 which is the substantive clause in the Bill. It runs as follows:

“The Central Government may make rules for the government, discipline and regulation of the Indian Naval Reserve Forces.”

Here no indication is given as to what will be the government, what will be the discipline, what will be the nature of the regulations and on what principle these regulations will be framed. No such indication is given in the Bill. We find also that, in clauses 4, 5 and 6, the liabilities, penalties and the rule of evidence—all depend upon the regulations made, not by the Legislature, but by the Department. In clause 4, power is being asked that, in pursuance of rules made under section 3, every member of the Indian Naval Reserve Force, while undergoing training on board any vessel or otherwise, may be called upon for service in the Royal Indian Navy. He shall be continued to be so subject until duly released from such training or service as the case may be. Under clause 5, punishment is to be inflicted for an offence not created by the Legislature, but by the departmental head. Similarly, the rule of evidence to be provided for proving that offence is not the rule of evidence that already exists in the laws of the country or that is being asked to be made by the Legislature, but by the Department concerned. As a matter of fact, analysing the various provisions of the Bill, one comes to the conclusion that we are merely being asked to arm the executive with legislative power which rightly belongs to this House for the purpose of governing the discipline of a naval force for creating new offences and for punishing those new offences by rules of evidence which this Legislature had no hand in framing. This is a most serious encroachment upon the rights and privileges of this House. The tendency has been visible not only in this country, but even in England on this encroachment on the powers of the Legislature, and the protest comes from no less a person than the Lord Chief Justice of England. In a book called the “New Despotism”, the evil of such a system has been fully described by Lord Chief Justice Lord Hewart. On page 96 of the book, he quotes the views of Mr. C. K. Allen,

Professor of Jurisprudence in the University of Oxford, expressed in his book called "Law in the Making". This is what Mr. Allen says:

- "This form of delegation is more than delegation—it makes the executive not merely a deputy but a plenipotentiary. And it becomes increasingly common. The result can only be confusion in the working of the constitution and obscurity in the legal conception of the Sovereignty of the State. While we have never accepted in full the French doctrine of the separation of powers, it is clear that unless there is some intelligible and consistent demarcation between the different spheres of public law, antagonisms and inconsequences must ensue. It is incompatible with the whole theory of our constitution that the executive and judicial functions should seriously overlap, but there can be little doubt that the present tendency is not only to invest the executive with judicial powers, but to oust the control of the regular courts and make the executive judge in its own cause."

So, the danger has been pointed out in very strong language by writers on Jurisprudence on this subject. Here, if there is a typical instance of any such legislation where the dangers are more apparent in arming the executive with such powers, it is in this present legislation, and particularly so in India, where the rule of law finds very scant respect at the hands of the executive. The other day, the Chief Justice of the Federal Court gave his Convocation Address to the Punjab University graduates. He stressed the difference between the totalitarian States and the democratic States, and the chief point which he made out was that in totalitarian States the chief executive, judicial and legislative power rests in one man; while in democratic States, the predominance of the rule of law made all men equal in the eye of the law. Here, in India, the rule of law finds very scant respect, not only at the hands of the executive authorities, but from those who are given this duty of administering law between man and man and the Crown and man. Therefore, Sir, where the rule of law has not yet attained that force which obtains in democratic countries, my fear is that to arm the executive with such wide powers will be most dangerous in the interest of the safety of the subject. Here the departmental people are trying to argue like this. I am sure, the Defence Secretary will come forward with a plea that here is a matter which relates to the expert knowledge of defence. This is a matter where the layman cannot properly help the Defence Department in making the regulation. Here is a matter which rightly belongs to the expert in defence matters, technique and theories. This is not a novel argument that has not been advanced before. This argument has been torn to pieces by the Lord Chief Justice of England in his book on page 20, and I think it will interest Honourable Members if I read the nine points which have been made out in that book:

- "1. The business of the Executive is to govern.
2. The only persons fit to govern are experts.
3. The experts in the art of Government are the permanent officials, who exhibiting an ancient and too much neglected virtue, 'think themselves worthy of great things, being worthy.'
4. But the expert must deal with things as they are. The 'foursquare man' makes the best of the circumstances in which he finds himself.
5. Two main obstacles hamper the beneficent work of the expert. One is 'the Sovereignty of Parliament, and the other is the Rule of Law.
6. A kind of fetish-worship, prevalent among an ignorant public, prevents the destruction of these obstacles. The expert, therefore, must make use of the first in order to frustrate the second.
7. To this end, let him, under Parliamentary forms, clothe himself with despotic power, and then, because the forms are Parliamentary, defy the law courts.
8. This course will prove tolerably simple if he can: (a) get legislation passed in skeleton form; (b) fill up the gaps with his own rules, orders, and regulations; (c)

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make it difficult or impossible for Parliament to check the said rules, orders and regulations; (d) secure for them the force of statute; (e) make his own decision final; (f) arrange that the fact of his decision shall be conclusive proof of its legality; (g) take power to modify the provisions of statutes; and (h) prevent and avoid any sort of appeal to a Court of Law.

9. If the expert can get rid of the Lord Chancellor, reduce the judges to a branch of the Civil Service, compel them to give opinions beforehand on hypothetical cases and appoint them himself through a business man to be called 'Minister of Justice', the coping stone will be laid and the music will be fuller."

Now, that is the line of thought which has been beautifully presented by the Lord Chief Justice in which the bureaucracy argues with himself that he is the reservoir of the wisdom, and nobody can come and interfere. Sir, my submission is

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): What is the date of that book?

Sardar Sant Singh: It was published in April, 1929. The name of the book is "The New Despotism".

Now, if there could be an apt illustration of this piece of skeleton legislation which the Government want from this House, it is this piece of legislation. In its nakedness, it does not say what the Government want from the Legislature. They only want power to make rules and regulations to govern, to regulate and to keep under discipline the future naval forces of India. My submission is that this naked legislation is not a piece of legislation to which this House should give its sanction. It does not even hint that these regulations, when made, will be submitted to both the Houses of the Legislature for their sanction before they become effective. My submission is that this power which is wanted by the executive from the Legislature should be refused in the interests of the Legislature itself; it is a serious encroachment upon the privileges of the Legislature, and I strongly oppose this measure in its present form.

Mr. Sham Lal (Ambala Division: Non-Muhammadan): Sir, when I found that an Indian Naval Reserve Forces Bill was being introduced I thought that there must be some Indian Navy. This was my wonder because up to this time I did not know that there was an Indian Navy. Now my friend, Sardar Sant Singh, has stated and has raised the objection that it is a blank cheque, that it is a naked Bill, that the details are not there, and I say that it is not only naked in this sense that powers are being given but it is naked also in the sense that there is no Indian Navy, and without there being any Indian Navy and without there being any Air Force they want a law. Sir, armaments are being built in other countries but here in India you have got only the armament of law-making. Sir, I remember an incident in 1915 when I read an announcement in the papers by a ruler that he was placing all his naval, air and land forces at the disposal of the British Government! Well, I happened to meet the Diwan. I said, "you have got no army, you have got no navy, you have got no air force", and he told me, "we have got all these forces". I said, "where are they?" Sir, I learnt that the ruler was in the habit of flying kites and those were his aeroplanes; the ruler had got fishing boats in the pond, so they were his navy which he placed at the disposal of the British Government; and so far as the land forces were concerned, well,

when the Commissioner goes round, all the menials put on military uniform, and these are his land forces. Sir, here in India you have got all sorts of law, you have got a naval reserve law, you have an air force law, and all sorts of law, but you won't have any navy. Sir, is there any real Indian Navy or army? That is the point. We are here only for law-making and what are these navies and armies for? Simply because rich people may trade in them and some British materials may be imported. Otherwise when it comes really to fighting, Chamberlain would fly to Germany and in the name of peace he would surrender other peoples' countries, or he would fly to Italy. Sir, there is not going to be any war, and we are afraid we might have these laws and might think that we might perhaps have a navy and an army,—only to be told in the course of time that India is also another such country. Therefore, I think before introducing such a Bill, first it must be shown that really there is a necessity or there is going to be a war. But leaving aside this question, the question is—can we agree to a Bill regulating the navy when we know that there is no Indian navy and there is not going to be an Indian navy? We have not got these land forces even under our control; and since we have got no control over our land forces, where is the necessity for this law. Yet an amending Bill was introduced because they wanted that people should not be dissuaded from enlisting themselves. What is the good of these series of laws unless the Government is prepared to give the control of all these forces to India, unless the Government counts upon the strength of India really in the true sense, how can it introduce these laws and how can we agree to these laws? Sir, our Defence Secretary always introduces a Bill not to be circulated for opinion or to be referred to a Select Committee but it has been his lot to introduce Bills and to move that they be passed . . .

Sardar Sant Singh: What is there to circulate?

Mr. Sham Lal: Except that there is no navy and, therefore, there should be no law. Therefore, have an Indian navy and then you can have that law.

Mr. M. Asaf Ali: Sir, I did not expect to have an opportunity of intervening in this debate at an early stage but it appears that the subject is so cold that people are not anxious to come near it. Well, Sir, my Party is opposing this Bill on a very simple and narrow issue. Let me make it perfectly clear that I am next to none in having a passionate desire to create the very best defence force that I can for India, but it must be Indian and under India's control, and if such a defence force does exist in India, let me make it also perfectly clear that I should be the very first to subscribe to any legislation that may be devised for maintaining its discipline. Therefore, let there be no mistake about it. We are not opposing this Bill because we do not want any discipline in any existing forces: we are opposing this Bill, in the words of the Defence Secretary—"in the public interest". We are opposing it in the public interest in this sense, that the Government is non-co-operating with us as far as matters relating to the Indian defence forces are concerned and, therefore, in the public interest it is our duty to non-co-operate with the Government. Sir, during the last four years that we have been here, we have tried our level best to get some little information out of the Government as far as the defence

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forces are concerned. We have tried to urge upon them, not on one but on different and frequent occasions and not only have we done so, but long before us Mr. Jinnah, who was in this House, and other patriots have been urging upon the Government that not only should Indian forces be Indianised but that the control of Indian forces should pass into Indian hands,—and what reply have we received all this time? We have also urged from time to time, ever since we have been here, that there should be retrenchment in the expenditure which is incurred on India's defence, and it should begin with relieving us of the burden of expenditure incurred on British forces. As you know, Sir, out of the forty-five or forty-six crores of rupees that India has normally had to spend on India's defence nearly one-half is spent on British forces alone, which are not maintained in the interests of India but only in the interests of Imperial defence. We have been urging upon the Government to relieve us of this Octopus.

If we could save 25 crores of rupees out of the military expenditure from year to year, say, during the last 20 years, we could create not only a full-fledged navy but also a full-fledged air force. After having urged many more points, we finally came to a very simple demand. That was in 1936 and the demand was practically unanimously adopted by the House. The demand was that the Government should appoint a Standing Committee to be associated with questions relating to India's defence. It was practically a unanimous demand. Since 1936 right down to this day, the Government have not breathed a word about it. We have heard nothing about it. Again, last year only, we passed another Resolution, moved by the late Maulana Shaukat Ali, which asked for the appointment of a Committee to review the progress of Indianisation as recommended by the Skeen Committee, and the House demanded that a majority of the Members of this Committee should be from among the elected Members of this House. The Government had not the rashness to challenge a division. In fact, if I remember aright, Mr. Ogilvie got up and said that the presence of the elected Members on this Committee would be welcome. When the time came for the appointment of this Committee, only three elected Members of this House were approached and the reply that we at that time vouchsafed to the Government was that if the composition of the Committee was not in accordance with the terms of the Resolution, that is to say, if a majority of the Members of this Committee were not from among the elected Members of the Assembly none of us would find it possible to serve on it. We did not say that we were not going to serve on this Committee. We simply said that if the terms of our Resolution were carried out, we would be there, but if this Committee was not appointed in accordance with the terms of our Resolution, we would not serve on it. In spite of it, the Government went and appointed a Committee on which not a single elected Member of this Assembly was prepared to serve. Sir, only the other day I and some of my colleagues gave notice of an adjournment motion to discuss a simple little affair to draw the attention of the Government to their misdeeds. We were quietly told, and you know, Sir, where the order came from, that the adjournment motion would not be allowed. We were told that the discussion could not be allowed, without detriment to public interest. That being the attitude of Government, any support that we may give to this particular measure will be detrimental to public

interest. Not content with that, only this morning there were a number of questions which were put to the Defence Secretary and we only wanted to elicit simple, common, information which might enable us to appreciate our position and the position of the Government with regard to defence affairs. And what was the Defence Secretary's reply? In the public interest, he was not prepared to give any answer to any of those questions. Now, Sir, under these circumstances, can the Government have the audacity to come to us and say: "Will you kindly pass this legislation because it refers to the defence forces of India?" They do not take us into their confidence; we have no voice in voting a single penny in respect of India's defence, and all the money required for the defence forces of India is appropriated by them in spite of our protest. Then, why not go on making laws also over our heads for maintaining discipline or creating any new forces? We have nothing whatsoever to do with it. If these defence forces are our forces and if we have control over them, you can come and ask us to pass measures for their organisation, maintenance, composition, salary, promotion, and all the matters that relate to them. But if they wish to rob India of 46 crores of rupees every year and spend it on forces which are organised by them, and which are only under their control, and into the closely guarded secrets of which we are not allowed to look, why come to us and say: "Will you please help us to pass this measure?" That is the simple issue on which we are really opposing this Bill. I am absolutely certain that if these forces were under our control, we ourselves would have thought of a measure like this, although in a different form. Here the question is one of non-co-operation by Government. If they want to non-co-operate with us, they must be prepared for non-co-operation by us. That is the simple and straightforward issue.

In so far as subject-matter of the Bill itself is concerned, I can assure you that there is nothing more in it than an attempt at making an impression on the world that India possesses vast reserves. These are critical times and directly or indirectly Great Britain wants to impress the world that India possesses enormous resources and the Indian Legislature is prepared to support Great Britain in all its undertakings. In so far as that point is concerned, Government should not expect the slightest possible support from us, not until India is herself free. We would not lend any support to the impression which the Government may try to create in the world that India possesses very large and vast resources on which they can draw in times of emergency.

As regards the merits of the Bill, I have practically nothing to say. I will not say anything about it for the simple reason that the grounds on which we are opposing it are quite other. They have nothing whatsoever to do with the merits of the Bill. We are opposing this measure as a mark of emphatic protest against the attitude of the Government towards the elected element of the House. That is the essence of our opposition and with these few words, I oppose the motion.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Sir, this Bill is merely an extension of what was passed into law as Act XXXIV of 1934. I would remind the House of the preamble to the present Bill which, in practical purposes, is merely an

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extension of the old preamble in the 1934 Act. The preamble to Act XXXIV of 1934 says:

"Whereas by section 66 of the Government of India Act it is among other things enacted that provision may be made by the Indian Legislature for the application to the naval forces raised by the Governor General in Council of the Naval Discipline Act subject to such modifications and adaptations as may be made by the said legislature to adapt to the circumstances of India."

If you look at the old Act, you will find that it contains only three sections with a copy of the British Act as the First Schedule. The main objection to that Act consists in the fact that it consists only of three sections merely saying that the reproduced Schedule of the British Act shall be the law in India. In the first instance, I am not at all ashamed to say that so far as this particular point of view is concerned, I take my argument largely from my Honourable friend, Mr. Jinnah, who, at that time, in opposing that Bill, put forward before the House. The first and foremost point he attempted to make was that we are merely being made the instrument of passing into law an Act of Parliament giving us an opportunity merely in name. The second grave objection which was made and which was also supported by him and elaborated by Mr. Shammukham Chetty, as he then was, that this was an indirect method of creating an independent navy without our having anything to say either in its composition or in its expenditure or in its ultimate views and obligations whenever these forces may be needed. By merely passing the Act, called the Navy Discipline Act, the object was indirectly to create a Navy neither the funds of which we would have the right of voting about, for or against, nor regulate its use as and when there was any danger irrespective of any danger immediately to India. These were the grounds on which that Act was passed at that time by those who represented what you may call the taxpayers' popular point of view. Nonetheless, the Act was passed.

Now, we have come on to the second stage of a more insidious character. In one case, we knew at all events to what extent and with what reserves they were likely to saddle us. Now, under the guise of what is called the discipline of the members of the Indian Naval force raised in British India on behalf of His Majesty, the explanation that is given by the Honourable the Defence Secretary, shortly stated, is as to the classes of persons from whom they would be drawn and the purposes to which they would be drawn; but there is this difference seen in the Bill that it is even more dangerous than the original Bill. He himself explained, and it may have escaped the attention of the House, and that is why I wish to repeat it. Hitherto a person who put himself even though voluntarily on what is called a reserve list was liable to no punishment if at the time he was called he felt that it is quite unnecessary or even dangerous or against the interest of his country to obey the call. He would be one of the persons selected for the purpose of being invited to serve as an auxiliary or as a reservist. The object of this Bill, and that is a more dangerous extension of the earlier Bill, is that once a person is put as a reservist, to use that short expression, then he becomes practically a conscript. For that purpose you have got to see how innocent this Bill looks and how dangerous the extension of the earlier Bill is. I can understand a regular member of the Naval forces, such as it was called, being subject to discipline. But, now, what is intended is that every person who is put on the reserve, I do not know by what rules and by what methods he would be, whether

there would be selection—a person may have no qualifications and he may even say, I have qualifications and you may put my name on the reserve list, and after having done that, he is no less than a conscript if he is alive and of an age where it is possible for him that the Government can use him for the purpose of the particular reserve to which he is enlisted. That is the Bill before the House. It consists of two parts, exactly what it was in the earlier Bill. Clause 4 of the present Bill says:

"4. Every member of the Indian Naval Reserve Forces, while undergoing training on board any vessel or otherwise, in pursuance of rules made under section 3, or when called into actual service in the Royal Indian Navy, on board any vessel or otherwise in pursuance of the said rules, shall be subject to the Naval Discipline Act as set out in the First Schedule to the Indian Navy (Discipline) Act, 1934, in the same manner as a person in or belonging to the Indian Navy and shall continue to be so subject until duly released from such training or service, as the case may be."

Speaking of that I can well appreciate that if the Indian navy such as it was under the control of the Indian taxpayers or their representatives either in its composition or in its expenditure, that by itself would be a sufficient ground, but inasmuch as it is not so, if they are going to raise an army or a navy in the making in the expenditure of which we have no voice, it must be entirely their own business to make laws or rules for that purpose. In other words, we cannot be made the cat's paw of regulating what they have created, in whose creation and maintenance we have not the smallest voice. That was the ground which was also urged before the House at the time when the Bill of 1934 was under consideration.

Now, as I see, we have gone a step further which is somewhat more dangerous. Apart from the representation to the world of the un-named mine of reserves—many millions of reservists who can be called from India for the purpose of strengthening either on land or in what are called inland water services or even extraneous services for the purpose of the navy—they have done what my Honourable friend himself admitted, the carrying out and imposing a measure of conscription. This is another ground on which I submit that the House ought not to lend its support to a Bill of this kind. The other day, I was listening to a speech from Sir John Anderson who has now been put in charge of an important department—the Defence of England. What he says is, and it is an irony indeed to have heard it, and so far as patriotic Englishmen are concerned, I congratulate them on having accepted him. What he says is this: the best way to prevent conscription is for every able bodied man and woman to offer himself or herself. I would like you to consider the terms of this very far reaching and insidious speech. He says, if you all come, you have served the purpose of conscription, but remember that if you do not come, conscription is there ready for you. So, to avoid conscription, he says, let every one of you do what you would do under conscription. Now, that is insidious enough, but it is at least an appeal to patriotism of the people to defend themselves and the country. But here is something when you come to clause 5;

"5. (1) If any member of the Indian Naval Reserve Forces, when required, in pursuance of rules made under section 3, to attend on board any vessel or at any place for the purpose of undergoing training, fails without reasonable excuse to attend in accordance with such requirement, he shall be punishable with fine which may extend to two hundred rupees."

[Mr. Bhulabhai J. Desai.]

So that, you may be, as my Honourable friend said, an utter amateur, might have even a certain amount of knowledge, but, then, even for the purpose of training, you are a

5 P.M.

conscript:

"(2) If any member of the Indian Naval Reserve Forces, when called into actual service in the Royal Indian Navy and required by such call to join any vessel or attend at any place, fails without reasonable excuse to comply with such requirement at or within such time as the Central Government may, by order, direct, he shall be liable to be apprehended and punished in the same manner as a person in or belonging to the Indian Navy deserting or improperly absenting himself from duty except that the punishment shall not exceed imprisonment which may extend to two years."

So that the method by which they propose to create a naval reserve is one which destroys what has always been, and at all events what the Britisher pretends to be, a voluntary service for the purposes of the country. Where or what the rules in England may be is more than I can tell. But I can certainly tell this that taking it from my Honourable friend that so far as India is concerned, hitherto it was competent to a man who has put his name on the list of reserves to obey the summons or not to obey, now to enforce it by means of punishment is conscription of a character to which we cannot lend our assistance.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech tomorrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 7th February, 1939.

LEGISLATIVE ASSEMBLY.

Tuesday, 7th February, 1939.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBER SWORN.

Mr. Noel James Roughton, C.S.I., C.I.E., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

TAKING OVER BY GOVERNMENT OF THE TELEPHONE SYSTEM IN MADRAS.

148. *Mr. T. S. Avinashilingam Chettiar: (a) Will the Honourable Member for Communications state whether Government have considered the matter of taking over the telephone system in Madras on the expiry of the contract with the present company?

(b) If so, to what conclusion they have come?

(c) When does the contract expire?

(d) Have Government considered the advisability of having a general policy of taking up telephone systems under private agencies as and when their contract expires?

The Honourable Sir Thomas Stewart: (a), (b) and (d). I would refer the Honourable Member to the replies I gave to the supplementaries arising out of Mr. Santhanam's starred question No. 1196 on the 10th November last. The matter is still under consideration.

(c) 31st March, 1963. Government have, however, the option to terminate the license on the 31st March, 1943, or on the 31st March, 1953, by giving not less than twelve months' previous notice.

Mr. T. S. Avinashilingam Chettiar: May I know when they expect to come to a conclusion in this matter?

The Honourable Sir Thomas Stewart: In the reasonably near future. I think those were the precise terms of my reply to Mr. K. Santhanam.

Mr. T. S. Avinashilingam Chettiar: May I know whether there are any other companies in whose contracts there is an option to terminate in the near future?

The Honourable Sir Thomas Stewart: Yes. The companies operating in Bombay and in Calcutta are, I think, in similar circumstances to that operating in Madras.

Mr. T. S. Avinashilingam Chettiar: May I take it that the conclusions that they will arrive at will be with reference to all the companies concerned or with reference to one particular company?

The Honourable Sir Thomas Stewart: No; we must take into account the individual circumstances of each case.

Mr. S. Satyamurti: Have the Government of India been addressed by the Madras Telephone Company in respect of this matter, in view of the answer which my Honourable friend gave on the last occasion when we had this question put in this House?

The Honourable Sir Thomas Stewart: Yes. I am informed that a representation has been made by the Madras Company.

Mr. S. Satyamurti: May I know whether the representation is against the acquisition or taking over of that company by Government, in view of the fact that they are making enormous profits?

The Honourable Sir Thomas Stewart: No. That is not my understanding.

Mr. S. Satyamurti: May I know what is the nature of the representation? Is it in favour of Government taking it over, or against Government taking it over?

The Honourable Sir Thomas Stewart: I think we must regard that communication as being a private one.

Mr. S. Satyamurti: May I know whether Government, in making up their minds on this matter, will bear in mind the fact which I once brought to the notice of the Government, that most of the paying telephone companies are in the hands of private companies?

The Honourable Sir Thomas Stewart: That is a very relevant consideration.

Mr. T. S. Avinashilingam Chettiar: With reference to part (d), may I know whether Government have considered the advisability of having a general policy of taking up the telephone systems which are now under private agency?

The Honourable Sir Thomas Stewart: I think I answered that question by saying that each case must be considered on its merits.

Mr. K. Santhanam: May I know if the Honourable Member or any of his assistants had any discussions about the matter with any agent or representative of any telephone company?

The Honourable Sir Thomas Stewart: I do not quite understand what the Honourable Member means by discussions. But I am prepared to be perfectly frank and say that from time to time I have met and have had conversations with representatives of these telephone companies.

Mr. K. Santhanam: My question related to the period between now and after he had replied to the previous question in November. Between that question and now, has he had any discussion with any representatives of telephone companies in regard to this matter?

The Honourable Sir Thomas Stewart: Yes. I have had informal discussions with representatives of these companies.

Mr. K. Santhanam: May I know with which representative he had discussions?

The Honourable Sir Thomas Stewart: No. I do not feel called upon to give that information.

Mr. S. Satyamurti: May I know whether Government put in these discussions the point of view of the public, that is to say, that the taxpayer generally must get the benefit of these paying telephone companies and not private vested interests?

The Honourable Sir Thomas Stewart: That is a consideration that is very present to my mind.

Mr. Manu Subedar: Is it a fact that the representative of the Calcutta Telephone Company came here a few weeks ago and had a talk with the Honourable Member?

The Honourable Sir Thomas Stewart: The Honourable Member appears to be extremely well informed as to my movements.

RENTS CHARGED FROM INDIAN AND EUROPEAN REFRESHMENT ROOMS.

149. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member for Communications state :

- (a) whether Government have received the reports from Railway Administrations, with regard to the charging of rents to Indian and European refreshment rooms;
- (b) whether nominal or economic rents are being charged;
- (c) whether Government have considered the advisability of charging economic rents for all; and
- (d) if so, to what conclusion they have come?

The Honourable Sir Thomas Stewart: (a) Yes. It is presumed that the Honourable Member is referring to the information promised in reply to Mr. S. Satyamurti's question No. 1088 of 16th September, 1938. If so, the information is being laid on the table.

(b) The practice on different railways varies considerably.

(c) and (d). The question is under consideration.

Mr. T. S. Avinashilingam Chettiar: May I know in how many railways they are charging nominal rents and in how many railways they are charging economic rents?

The Honourable Sir Thomas Stewart: I am afraid I could not within the space of a few minutes give the necessary information. A statement running to seven or eight pages is being laid on the table today and will be printed up in today's proceedings.

Mr. T. S. Avinashilingam Chettiar: May I take it that in most companies, the European refreshment rooms are being charged nominal rents?

The Honourable Sir Thomas Stewart: I have given a very considerable volume of information from which the Honourable Member may draw his own deductions.

Mr. S. Satyamurti: I am only asking as a general question, because this question has been put to the Honourable Member more than once, whether he has perused that statement and come to some conclusion, and whether he can give some general line of information to the House, as to whether it is or is not a fact that European refreshment rooms are charged nominal rents and Indian refreshment rooms are charged what are called economic rents.

The Honourable Sir Thomas Stewart: I must ask the Honourable Member to make his own deductions.

Mr. S. Satyamurti: What is Government's own deduction after reading the statement that has been placed on the table?

The Honourable Sir Thomas Stewart: That I gave in answer to part (b) of the question. The practice on different railways varies considerably.

Mr. S. Satyamurti: Is there any railway in which the European refreshment rooms are charged economic rents?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can perhaps find that out easily.

Mr. S. Satyamurti: We have got to read it, Sir, and then send in questions, and that would take fifteen days or so. So, I want to know whether my Honourable friend can give this House any information on one fact whether any railway charges economic rents to European refreshment rooms and nominal rents to Indian refreshment rooms.

The Honourable Sir Thomas Stewart: All the information is given in the statement.

Mr. T. S. Avinashilingam Chettiar: It is a very simple question: the answer is merely yes or no. I want to know whether on any railway economic rents are charged to European refreshment rooms?

(No answer.)

Mr. K. Santhanam: May I know whether the Railway Board have evolved any policy in this matter?

The Honourable Sir Thomas Stewart: It is not a matter entirely for the Railway Board.

Mr. K. Santhanam: May I know if the Railway Board, to the extent that it is in charge of State-managed Railways, has evolved any policy in this matter?

The Honourable Sir Thomas Stewart: I was not aware that the question referred only to State-managed Railways?

Mr. Badri Dutt Pande: Is it the intention of Government to do away with favouritism in this matter?

The Honourable Sir Thomas Stewart: Favouritism is not a consideration that affects us in any way. The only thing we are concerned with is the provision of amenities for the travelling public.

Mr. Manu Subedar: May I ask whether the Railway Department have abrogated their claim to be a commercial department so far as the rents of European refreshment rooms are concerned?

The Honourable Sir Thomas Stewart: The Railway Department claims to be a commercial department on the whole.

Mr. T. S. Avinashilingam Chettiar: May I know what action they propose to take in connection with this matter?

The Honourable Sir Thomas Stewart: The Government of India will, like my Honourable friend, study the information which is now at their disposal.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, when they expect to come to a conclusion over this matter?

The Honourable Sir Thomas Stewart: I could not answer that.

Mr. S. Satyamurti: May I know, Sir, whether the Government of India accept as a matter of general and right policy that European and Indian refreshment rooms should be treated alike in the matter of rents?

The Honourable Sir Thomas Stewart: *Prima facie*, I do not see that one thing necessarily follows on the other.

Mr. S. Satyamurti: I do not understand the answer. May I know whether the Government accept the policy as a State running the railways that European and Indian refreshment rooms are to be treated alike, and there ought to be no racial discrimination at all in the matter?

The Honourable Sir Thomas Stewart: There is no question of discrimination in this matter. It is a question of provision of amenities.

REPRESENTATION OF INDIAN INTERESTS IN THE MADRAS PORT TRUST.

150. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member for Communications state:

- (a) whether they have received replies to their enquiries from the Madras Government regarding the representation of Indian interests in the Madras Port Trust;
- (b) if so, whether they propose to introduce legislation to give more representation to Indian interests; and
- (c) if so, when?

The Honourable Sir Thomas Stewart: (a) No.

(b) and (c). Do not arise.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, when did the Government of India last write to the Madras Government?

The Honourable Sir Thomas Stewart: I should require notice.

Mr. S. Satyamurti: Have not the Madras Government already addressed the Government of India for more adequate representation of Indian interests on the Madras Port Trust?

The Honourable Sir Thomas Stewart: I understand the matter is still under correspondence between the Government of India and the Madras Government, and the Madras Government's latest views have not yet been received.

Mr. S. Satyamurti: Have not the Government of India been informed at least once by the Madras Government that in their opinion there ought to be more adequate representation of Indian interests on the Madras Port Trust?

The Honourable Sir Thomas Stewart: So far as I am aware, there has been a representation received from the Madras Government.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, whether the Government of India have sent any concrete proposals for the consent of the Madras Government in this matter?

The Honourable Sir Thomas Stewart: I am afraid I could not off-hand give an answer to that.

Mr. N. M. Joshi: May I know, Sir, in view of the fact that the Royal Commission on Indian Labour has recommended that labour interests should be represented on Indian Port Trusts, will the Government of India inform this House whether they are corresponding with the Madras Government on that question?

The Honourable Sir Thomas Stewart: I have no doubt that the Madras Government who are well informed the needs of labour will give due weight to labour representation.

Mr. Manu Subedar: May I know, Sir, whether Government have examination themselves found that Indian interests in Madras are less important than the Indian interests in Bombay?

The Honourable Sir Thomas Stewart: I cannot conceive how that possibly arises out of this question.

Mr. Manu Subedar: Sir, there is a question regarding the representation of Indian interests in the Madras Port Trust, and the Honourable Member said that Government do not propose to do anything . . .

The Honourable Sir Thomas Stewart: I never said anything of the sort.

Mr. Manu Subedar: May I inquire whether Government have considered the importance of Indian interest and the inadequacy of their representation in the Madras Port Trust?

The Honourable Sir Thomas Stewart: I made it perfectly clear to this House that the whole question of representation is under our consideration at the present time.

Mr. S. Satyamurti: May I know, Sir, whether Government will expedite legislation on this question?

Mr. President (The Honourable Sir Abdur Rahim): Next question please.

EXPULSION OF TWO INDIAN JOURNALISTS FROM FRANCE.

151. ***Mr. Abdul Qaiyum:** Will the Foreign Secretary please state:

- (a) whether he has read the report under the heading "Deported Indian Journalists" published in the *Hindustan Times* of the 4th December, 1938;
- (b) whether two Indian journalists were deported from France; if so, the reasons for the action taken by the French Government;
- (c) whether the Government of India have taken any action in the above matter through the British Government; and
- (d) the result of the representations made by the British Government on behalf of the Government of India?

Sir Aubrey Metcalfe: (a) Yes.

(b), (c) and (d). The attention of the Honourable Member is invited to the reply given by me to Sardar Mangal Singh's question No. 4 on the 3rd February, 1939.

Mr. Abdul Qaiyum: May I know, Sir, if these persons were detained before they were deported?

Sir Aubrey Metcalfe: No, not so far as I know.

Mr. Abdul Qaiyum: What is the method adopted for communication,—whether the telegraph is used or ordinary post for collecting information on such matters?

Sir Aubrey Metcalfe: The Government telegraphed immediately to His Majesty's Government for information, but as I have already explained, no official information has yet been received.

Mr. Abdul Qaiyum: With reference to part (b) of the question, as far as I can recollect, the Honourable Member did not state the reasons for the action taken by the French Government. Is he now in a position to state why these persons were deported?

Sir Aubrey Metcalfe: No, that is precisely my difficulty, I am not in a position to answer that question.

Mr. K. Santhanam: May I know if the Government of India have seen the reply given by Mr. Butler in the House of Commons on this subject, and when they in England have received reports from the British Ambassador in France and those reports are published, how is it that the Government of India have not got these reports?

Sir Aubrey Metcalfe: I certainly saw a press report to that effect this morning, but that does not alter the fact that no official information has yet been received by the Government of India.

Mr. K. Santhanam: May I know if no arrangements are in existence for the British Government to communicate at once any information which the Government of India may ask for?

Sir Aubrey Metcalfe: One cannot do more than ask for the information by telegram and hope to receive it.

Mr. Abdul Qaiyum: When was the first telegram sent on this question?

Sir Aubrey Metcalfe: I could not give the exact date, but it was within two or three days of the report appearing in the press of the arrest and deportation of these two journalists.

Mr. S. Satyamurti: May I know whether the Government of India will take any steps to persuade His Majesty's Government to give information on such matters concerning Indians simultaneously as they get any information, for example, in this case, from the French Government or the British Ambassador in France?

Sir Aubrey Metcalfe: Yes, I will certainly ask that arrangements may be made to give more speedy information.

Mr. Abdul Qaiyum: Is it not possible for the Government of India to communicate directly with the British Ambassador? Is there any bar to it?

Sir Aubrey Metcalfe: It is not a matter for the Consul to deal with. It is a matter for His Majesty's diplomatic representatives in Paris, and the ordinary channel of communication is through His Majesty's Government.

EMPLOYEES IN PORT TRUSTS.

152. *Mr. Abdul Qaiyum: Will the Honourable Member for Communications please state:

- (a) the total number of persons in the employ of various Port Trusts in India in 1938:
 - (i) receiving salaries of Rs. 500 to Rs. 999 (only those with initial salary above Rs. 500 be mentioned);
 - (ii) with salaries of Rs. 1,000 to Rs. 1,999; and
 - (iii) with salaries of Rs. 2,000 and over; and
- (b) how many persons in each of the above classes are Indians and Anglo-Indians, respectively?

The Honourable Sir Thomas Stewart: The information is being collected and will be laid on the table in due course.

Mr. Abdul Qaiyum: When was the information asked for on this subject?

The Honourable Sir Thomas Stewart: I am afraid I could not give an answer to a question of detail of that sort.

Mr. Abdul Qaiyum: It is not very difficult to collect that information from six Port Trusts. The question was sent long ago, and I think the Government of India could have collected all the information . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is entitled to have his own opinion.

Mr. Abdul Qaiyum: What is the use of our asking questions if we cannot get proper replies?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not ask questions then.

DIRECT APPOINTMENTS MADE BY PORT TRUSTS.

153. *Mr. Abdul Qaiyum: Will the Honourable Member for Communications please state:

- (a) the number of direct appointments made by the Port Trusts in India from 1933 to 1938 in the following grades:
 - (i) initial salary Rs. 500 to Rs. 999;
 - (ii) initial salary Rs. 1,000 to Rs. 1,999;
 - (iii) initial salary Rs. 2,000 and over;
- (b) how many in each group were Indians and Anglo-Indians, respectively; and
- (c) whether steps have been taken, or are proposed to be taken, to Indianise these services; if so, what steps have been taken?

The Honourable Sir Thomas Stewart: The information is being collected and will be laid on the table in due course.

Mr. Abdul Qaiyum: I have asked questions about very highly paid officials, and surely such appointments could not be many. It should be quite easy for Government to answer this question. Surely, the Government must have kept some record here of appointments which were made from 1933 to 1938?

(No reply.)

Mr. S. Satyamurti: What is the answer to clause (c) of the question? That surely is not a matter on which information has got to be collected.

The Honourable Sir Thomas Stewart: The answer is, Yes, Sir, the various administrations have been addressed and have been asked to do what they can to Indianise their services.

Mr. S. Satyamurti: May I know what steps have the Government of India taken?

The Honourable Sir Thomas Stewart: I have just said that the various Port Trust Administrations have been addressed and asked to do what they can to advance Indianisation in services.

Mr. S. Satyamurti: How many Indians have been appointed to places held by non-Indians after 1933?

The Honourable Sir Thomas Stewart: I should require notice.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, if the Government of India get from time to time reports about the progress of Indianisation in the higher services?

The Honourable Sir Thomas Stewart: That is my impression, and such information as has been received has been placed at the disposal of the Houses of the Legislature.

Mr. Abdul Qaiyum: Have any principles been laid down as to the proportion of Indians and non-Indians for such services?

The Honourable Sir Thomas Stewart: So far as I am aware, no such principle has been enunciated.

PUBLICATION OF THE MINUTES OF THE MEETINGS OF PORT TRUSTS.

154. *Mr. N. M. Joshi: With reference to his reply to my starred questions Nos. 404 and 406 of the 21st February, 1938, will the Honourable Member for Communications be pleased to state whether his enquiry into the question of the publication of the minutes of the meetings of the Bombay Port Trust and some other major Ports and of making them available to the public, is complete? If so, what is the result?

The Honourable Sir Thomas Stewart: Yes Sir. I lay a statement on the table showing the result of the enquiry.

Statement showing the result of the enquiry into the question of giving publicity, to the minutes of the proceedings of the Commissioners, Trustees, etc., of major ports.

Publication of the minutes of the proceedings of the Port Authorities in the Provincial Gazette.—This is only required by statute in the case of Madras and such publication has not been recommended to other Port Trusts.

2. *Supply of copies of the minutes of the proceedings of the Port Authorities to the public:*

Madras.—In addition to publication in the Gazette, the Port Trust Board have decided that copies of the minutes of their proceedings should be sent to all associations represented on the Board.

Bombay.—A copy of the minutes of the proceedings of the Port Trust Board, excepting such portions as the Chairman may regard as confidential, will be made available for inspection by the public in the Port Trust Administrative Offices and any member of the public will be supplied, on demand, with a copy on payment of a reasonable fee. The practice of issuing to the press summaries of resolutions of public importance or interest and of sending copies without charge to local bodies having representation on the Port Trust Board and to other major ports will be continued. The Port Trust Board have also decided, as an experimental measure, to issue copies of the minutes of their proceedings without charge to any representative commercial association or body in Bombay desiring copies.

Karachi.—Copies of the minutes of the Port Trust Board's proceedings are at present made available, at the discretion of the Board, to commercial and public bodies and public libraries. The Board have agreed to post copies of the minutes on their notice board and to supply the same to the members of the public on a charge of Re. 1 per month or part of a month or eight annas for a single copy.

Calcutta.—Copies of the minutes of the Commissioners' proceedings are sent to the various Chambers of Commerce. The Commissioners also allow inspection of the minutes by any member of the public on payment of a nominal fee of Re. 1.

Chittagong.—Copies of the minutes of the Commissioners' proceedings are sent to the various Port Trusts, local commercial bodies, etc. Under section 25 (g) of the Chittagong Port Act, 1914, a copy of the minutes, except such portions thereof as the Chairman may in any particular case direct, is open to the inspection of the public. The Commissioners have also agreed to post a copy of the minutes on their notice board.

Cochin.—No Port Trust Board has yet been constituted at this port. Agenda lists and copies of the minutes of the meetings of the Cochin Harbour Advisory Committee, other than confidential ones, are, however, sent to accredited press representatives. Copies of the minutes will also be posted on the notice board of the Administrative Office, Cochin Harbour, and copies will be supplied to the public on payment of fee of two annas per copy exclusive of postage.

SUB-ENGINEERS OFFICIATING AS SUB-DIVISIONAL OFFICERS ON THE EASTERN BENGAL RAILWAY.

155. ***Mr. N. M. Joshi:** Will the Honourable Member for Communications be pleased to state:

- (a) whether Sub-Engineers on the Eastern Bengal Railway sometimes officiate in the posts of Sub-Divisional Officers; and
- (b) if so, whether they will state the names of such Sub-Engineers, and the period for which they are officiating at present?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) S. N. Sen Gupta from 11th July, 1936.

K. K. Mukherjee from 11th January, 1938.

S. N. Mukherjee from 22nd January, 1938.

K. C. Bose from 10th April, 1938.

APPOINTMENT OF CERTAIN TEMPORARY ENGINEERS ON STATE RAILWAYS.

156. ***Mr. N. M. Joshi:** (a) Will the Honourable Member for Communications be pleased to state whether it is a fact that the recommendations of the Public Service Commission that Upper Subordinate Establishment of the State Railways be transferred to the services organised on the model

of the then existing Provincial Service, as detailed in paragraph 5 of annexure 18 to the report of Public Service Commission, Resolution No. 611E 20, dated the 4th April, 1931, was adopted?

(b) If so, will Government be pleased to state if the appointments of Messrs. O'Connell, Mozumdar, Ghose and Rao, as temporary Engineers, were in order?

(c) Is it a fact that those temporary Engineers who are supposed to be appointed on new scale of pay have been fixed in a scale specially meant for them?

(d) If the answer to part (c) be in the affirmative, will Government be pleased to state why those Engineers were not fitted in the new scale of pay?

The Honourable Sir Thomas Stewart: (a) Yes: the Resolution, however, was issued in 1921 (and not 1931) and provided for *inter alia* selected members of the Upper Subordinate Establishment being promoted to the Provincial Engineering Service. The latter service was replaced by the Lower Gazetted Service in 1931.

(b) Yes; except that—

(i) Mr. Ghose was not appointed, and

(ii) as the temporary appointment of the other three is to the Lower Gazetted Service, they are not designated as "Temporary Engineers".

(c) No: in certain cases it is necessary to allow higher initial rates of pay than the prescribed minimum of the scale.

(d) Does not arise.

ANNUAL REPORT OF THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

157. *Mr. Brojendra Narayan Chaudhury: Will the Honourable Member for Communications please state:

(a) whether the Annual Report of the Indian Posts and Telegraphs Department has been published and whether copies will be distributed to members of the Legislature; if so, when; and

(b) whether the rates in the Telegraphs and Radios will be put up at remunerative levels as in the Posts and Telephones, so as to prevent loss; if not, why not?

The Honourable Sir Thomas Stewart: (a) Yes, in December, 1938. Members of the Legislature can obtain copies on application to the Director-General of Posts and Telegraphs.

(b) Government have no intention at present of increasing the rates for telegrams as they do not consider that in the present circumstances an increase in rates is either justified or is likely to bring in a net increase in revenue.

Mr. Brojendra Narayan Chaudhury: Is it a fact that the 1937 report was sent to every Honourable Member of this House?

The Honourable Sir Thomas Stewart: I take the Honourable Member's word for it, but I am not aware whether it was or not.

Mr. Brojendra Narayan Chaudhury: Why have Government discontinued that practice?

The Honourable Sir Thomas Stewart: I think it is in pursuance of a convention which has been arrived at and which was expressed in a circular that you, Sir, recently sent out to Honourable Members of the House regarding supply of publications.

Mr. T. S. Avinashilingam Chettiar: May I represent to you in this matter that these reports may be sent to us so that we can know the working of the department?

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not remember the exact purport of the circular, but will make a note. The Chair will consider whether there is anything that can be done.

Mr. T. S. Avinashilingam Chettiar: May I know whether a less number of copies have been printed on account of the circular that has been issued?

The Honourable Sir Thomas Stewart: So far as I am aware, no.

Mr. T. S. Avinashilingam Chettiar: May I take it that the copies which were printed for circulation to Members are not being circulated, and so are being wasted?

The Honourable Sir Thomas Stewart: No. I hope that they will not be wasted. What we trust is that Honourable Members will be so interested in the working of our department that they will make application.

Mr. Brojendra Narayan Chaudhury: Are not telegraph, radio, and posts separate commercial businesses, and each ought to pay for itself?

The Honourable Sir Thomas Stewart: That is not my understanding.

Mr. Brojendra Narayan Chaudhury: Why are the deficits of the Telegraph Department met from the Postal Revenues?

The Honourable Sir Thomas Stewart: That is an obligation that is laid upon us by the decision of this House.

CONCESSIONAL RATES FOR TRUNK TELEPHONE CALLS.

158. *Mr. Brojendra Narayan Chaudhury: Will the Honourable Member for Communications please state:

- (a) for how long the "Evening rupee anywhere rate for trunk telephone calls of three minutes and "for day time Rs. 3 anywhere" rate are in force in Burma; and
- (b) whether Government have contemplated rates similar to the above and to the "anywhere rate" on certain Railways, such as, Assam Bengal Railway, for Indian Telephone Service?

The Honourable Sir Thomas Stewart: (a) The rates mentioned by the Honourable Member have been in force in Burma since the 18th September, 1938.

(b) No. The railway telephone systems are intended solely for the purposes of the railway service and are not open for use by the public.

Mr. Brojendra Narayan Chaudhury: The Honourable Member has misunderstood part (b) of my question. What I mean is that there ought to be maximum rates for telephone service. By railway rates I mean railway passenger rates. In the Assam Bengal Railway, there is a maximum fixed, namely, Rs. 3, and for that you can travel anywhere within a division, and for five rupees you can travel throughout the railway. My question is, cannot you fix a maximum rate for which you can telephone from any place to any place in India?

The Honourable Sir Thomas Stewart: If I have misunderstood the Honourable Member's question, for that I accept no responsibility. If he would redraft his question in a more intelligible form I shall endeavour to give him a more intelligible reply.

Mr. Brojendra Narayan Chaudhury: Cannot the Honourable Member imitate the practice prevailing in Burma?

The Honourable Sir Thomas Stewart: The conditions in Burma are so entirely different to those in India that I do not feel that the example of Burma is at all relevant to the problems we have to face.

Mr. Brojendra Narayan Chaudhury: Will Government give us some idea of the difference between Burma and India in this respect?

The Honourable Sir Thomas Stewart: Certainly, there are very great differences between Burma and India. It may interest the Honourable Member to know that the maximum trunk call possible in Burma is 400 miles, whereas we have lengths of as much as 2,000 miles in India. The Honourable Member must admit that there are very significant differences.

Mr. President (The Honourable Sir Abdur Rahim): Next question.

TRADE AGREEMENT WITH AFGHANISTAN.

†159. ***Sardar Mangal Singh:** Will the Foreign Secretary please state:

- (a) the latest position in regard to Indo-Afghan trade relations;
- (b) when the trade treaty with Afghanistan is likely to be concluded;
- (c) whether the Indian merchants concerned in trade with Afghanistan have been, or would be, consulted in the matter; and
- (d) whether this House would be consulted before the final ratification?

Sir Aubrey Metcalfe: (a) Attention of the Honourable Member is invited to the answer to parts (a) and (b) of question No. 18 asked by Mr. T. S. Avinashilingam Chettiar on the 3rd February, 1939.

(b) No final decision has yet been reached regarding the negotiation of a trade agreement.

(c) and (d). Do not arise.

†Answer to this question laid on the table, the questioner being absent.

CHANGES IN REGARD TO CONCESSIONS TO PRESS MESSAGES.

†160. *Sardar Mangal Singh: Will the Honourable Member for Communications please state:

- (a) whether Government have made, or propose to make, some changes in regard to concessions to press messages;
- (b) what those changes are; and
- (c) what were the reasons for these changes?

The Honourable Sir Thomas Stewart: (a) and (b). Government have made no changes in regard to concessions to press messages recently.

(c) Does not arise.

GOLD FOUND IN THE SHINWARI HILL TRACTS OF KHYBER AGENCY.

†161. *Sardar Mangal Singh: Will the Foreign Secretary please state:

- (a) whether it is a fact that gold in unusually large quantities is found in the *Shinwari* hill tracts of Khyber Agency;
- (b) whether the matter is being further pursued; and
- (c) how Government propose to deal with this gold mine in future?

Sir Aubrey Metcalfe: (a), (b) and (c). Specimens of stones and sand alleged to be from Shinwari country in the Khyber Agency were tested and found to contain gold. Further specimens have since been collected under conditions which preclude the possibility of fraud and sent to the Director, Geological Survey of India, for assay. The report on them has not yet been received.

ACCELERATION OF THE SPEED OF PASSENGER TRAINS.

†162. *Sardar Mangal Singh: Will the Honourable the Railway Member please state:

- (a) whether the Railway Board have taken any steps to accelerate speed of passenger trains, particularly on branch lines, in pursuance of the recommendations of the Wedgwood Committee; and
- (b) what those steps are in brief?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) I would refer the Honourable Member to page 5 of the statement showing the action taken on recommendations of the Indian Railway Enquiry Committee's report (1937) and to chapter IV paragraph 50 of the Railway Board's Annual Report on Indian Railways for 1938-39, which are in the Library of the House.

RAILWAY ADVERTISEMENTS IN VERNACULAR NEWSPAPERS.

†163. *Sardar Mangal Singh: Will the Honourable the Railway Member please state:

- (a) whether it is a fact that the Railway Board have recently decided to increase advertising in the Vernacular press, particularly in regard to lower class traffic;

†Answer to this question laid on the table, the questioner being absent.

- (b) how the Board propose to carry on this propaganda in vernacular, whether by inserting advertisements in the vernacular newspapers, or by distributing leaflets; and
- (c) how the Board select newspapers for giving advertisements, whether on the basis of the policy of the papers or their circulation?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) By means of advertisements in vernacular papers, hand bills and posters.

(c) The basis for selection is—

- (i) Circulation,
- (ii) Language,
- (iii) area served, and
- (iv) type of people among whom the paper is circulated.

STEPS FOR PREVENTION OF DACOITIES IN SIND.

164. *Mr. Lalchand Navalrai: (a) Will the Secretary for External Affairs be pleased to state what co-operation the Baluchistan Government make with the Sind Government in securing the dacoits who committed dacoity in Kathia village and killed Mr. Mazumdar on the borders of the Dadu district, and in alleviating the panic caused by these atrocities?

(b) Is it a fact that these heinous offences by people of the 'Kalat territory' by making inroads in Sind have been due to there being no watch guards or police posts on the ghats in the hills? If so, what steps have the Baluchistan and Sind Governments taken to guard against such occurrences and at what places have the police posts and watch guards been posted, or are proposed to be posted, or what other arrangements have been made for the purpose?

(c) Has the Collector of Dadu formed any temporary or permanent scheme to checkmate such occurrences on the borders? If so, will a copy thereof be placed on the table to enlighten the House as to the co-ordination between the Kalat territory and the Sind Government?

(d) Is it a fact that, except in the case of hot pursuit, the Sind Police cannot enter the Kalat territory, as required by the British Criminal Procedure Code, sections in India, to arrest the culprits and to make searches except by a dilatory procedure of doing so with the previous consent of the political authorities, instead of the police officers in charge of police stations there?

(e) Do Government propose to have some arrangement with the political authorities to facilitate without delay the pursuit arrest and searches of the culprits who escape into the Kalat territory? If not, why not?

Sir Aubrey Metcalfe: (a) The Honourable Member's attention is drawn to the information (copy attached) which is being laid on the table in reply to his question No 2058, asked on the 12th December, 1938.

(b) No. The Kalat State maintain levies all along the Kalat-Sind border for the prevention of such offences.

(c) It is understood that the District Magistrate, Dadu, has established some extra Police outposts temporarily and that a permanent scheme is under preparation.

(d) Yes. Government do not, however, consider that the existing procedure is dilatory.

(e) The existing arrangements are working fairly well and no change is considered necessary.

(b) There are Levy Thanas along the Sind border of the Nasirabad Tahsil and Kalat State for Watch and Ward purposes.

(c) Since 1935 until the present outrage there have been no serious dacoities along the border. The Kalat State authorities have captured eight and killed one of the alleged offenders, and have also recovered some stolen property and animals.

(d) Conventions have been evolved for the pursuit and arrest of offenders crossing the Sind-Baluchistan border by which the Sind Police may continue in pursuit into Baluchistan, including the Kalat and Las Bela States, under certain conditions.

(e) Yes. The Baluchistan Administration and the Kalat State have been co-operating with the Sind authorities in preventing dacoities to the extent of their resources.

(f) The existing arrangements have worked fairly well, and it is proposed to continue on the same lines.

Mr. Lalchand Navalrai: With regard to the answer to part (b) of the question the Honourable Member has said that there were levies all along the borders. Then will he explain how these inroads are being made and how dacoities are taking place?

Sir Aubrey Metcalfe: It is impossible for every yard to be guarded by levies. There are levy posts, but it is obviously possible for a single man or few men to slip through between them.

Mr. Lalchand Navalrai: Will the Honourable Member ask the Baluchistan Government to watch at least the ghats from where they have to get in and to see that the levies pay more attention there?

Sir Aubrey Metcalfe: They are already watching.

Mr. S. Satyamurti: May I know whether the culprits responsible for the murder of Mr. Mazumdar have been apprehended?

Sir Aubrey Metcalfe: The position about that is that the Kalat State authorities have captured eight and killed one of the alleged offenders and also have recovered some stolen property and animals.

Mr. Lalchand Navalrai: May I know whether these persons who have been arrested for the murder of Mr. Mazumdar will be tried in Baluchistan or in Sind?

Sir Aubrey Metcalfe: Presumably as they have been captured by the Kalat State authorities, they will be tried in the Kalat State.

Mr. Lalchand Navalrai: When the offence has taken place in the Sind jurisdiction, why is it that they are not being extradited to Sind?

Sir Aubrey Metcalfe: That may be, but I have not got information about that. If the Honourable Member wants, I will obtain it for him.

Mr. Lalchand Navalrai: Thank you.

GRANT OF FACILITY TO THE TRAIN LIGHTING STAFF ON THE NORTH WESTERN RAILWAY TO CONTRIBUTE TOWARDS PROVIDENT FUND.

165. *Mr. Lalchand Navalrai: (a) Will the Honourable the Railway Member be pleased to state if the train lighting staff on the North Western Railway have been submitting memorials and telegrams to the General Manager, Railway Board and the Government, regarding their contribution to Provident Fund?

(b) Is it a fact that Government gave hopes to the staff of considering their request? If so, how far has the question been considered?

(c) Is it a fact that train lighting staff, drawing the same pay, has been treated inferior to workmen in the shops and sheds for the purposes of contribution to Provident Fund?

(d) Is it a fact that the Railway Board agreed with the Railwaymen's Federation in 1937, to do away with the anomalies regarding contribution to Provident Fund for staff drawing over Rs. 30 per mensem?

(e) What action do Government propose to take to remove their grievances?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) and (e). The memorialists were advised that the Railway Board had the question under consideration. Since then, as I stated in my speech on the 21st February, 1938, *vide* page 895 of the Legislative Assembly Debates for that day, the proposal for extending the Provident Fund benefits to those employees who, under the existing rules, are not allowed to contribute to the Provident Fund had been considered and found to be impracticable.

(c) I would refer the Honourable Member to Rule 6 of the State Railway Provident Fund Rules (a copy of which is in the Library of the House) which governs the eligibility of various classes of staff to subscribe to the Provident Fund.

(d) I would refer the Honourable Member to the reply I gave to part (d) of his starred question No. 1913 on the 7th December, 1938.

Mr. Lalchand Navalrai: May I know why a distinction should be made between the lighting staff and the workmen in the shops when they are drawing the same pay?

The Honourable Sir Thomas Stewart: I gave a somewhat full exposition of my views in the course of the speech to which I have referred in my answer.

Mr. Lalchand Navalrai: When these men are clamouring for equal treatment, may I ask the Honourable Member to treat them more generously.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is asking for action, instead of information.

ACTION ON THE RECOMMENDATIONS OF THE WEDGWOOD COMMITTEE.

166. *Mr. Akhil Chandra Datta: (a) Will the Honourable Member for Railways please state whether Government have taken any action, or passed any order, on the recommendation of the Wedgwood Committee regarding:

- (i) the Federal Railway Authority;
- (ii) the acquisition of Company-managed Railways; and
- (iii) other major recommendations of the said Committee?

If so, what are the orders passed and the action taken?

(b) What are the decisions about which a revised statement was promised in answer to question No. 1286 on the 16th November, 1938?

(c) What action has been taken to give effect to those decisions?

(d) Do Government propose to consult this House in respect of the major recommendations of the said Committee before they pass orders thereon?

(e) Have Government considered the request of this House to be consulted before orders are passed on the major recommendations of the said Committee and have they come to any decision thereon?

The Honourable Sir Thomas Stewart: (a) (i) and (ii). These are still under consideration.

(a) (iii), (b) and (c). I would refer the Honourable Member to the "Statement showing the action taken on recommendations in the Indian Railway Enquiry Committee's Report (1937)" issued in November, 1938. A copy of this statement is in the Library of the House.

(d) Certain undertakings in this regard were given by Sir Sultan Ahmed in the course of the debate in this House on the 27th August, 1937, on the Report of the Committee. Beyond these I am unable to go at present.

(e) I can assure the Honourable Member that the wishes of the House will be given the most careful consideration by Government as they arrive at conclusions on the several major recommendations of the Committee. As I indicated in my reply to one of Mr. Satyamurti's supplementary questions on this subject on the 16th November last, the decision must depend on the nature of the particular issue.

Mr. S. Satyamurti: Referring to the three major recommendations of the Committee, I am now asking about one of the recommendations—namely, that the Federal Railway Authority should be allowed to raise loans in the open market and not approach Government for extra funds for any capital or other works. May I know whether Government are considering that recommendation?

The Honourable Sir Thomas Stewart: I think the Honourable Member may get some information on that subject if he looks back to the answer I gave to a question of his on the last occasion I answered questions here.

Mr. S. Satyamurti: I fairly well remember that. I have also read the note that has since been published by the Railway Board. I see no indication there as to whether Government are considering this question of the

Federal Railway Authority being allowed to raise loans in the open market and also the other two major recommendations; namely, that the State should become a debenture holder and also transfer the State Railways to public domiciled companies in India. These are the three major recommendations. May I know whether the Government are considering them?

The Honourable Sir Thomas Stewart: These are not under our immediate consideration.

Mr. S. Satyamurti: Before Government pass any orders thereon, will they consult this House and ascertain its wishes in the matter?

The Honourable Sir Thomas Stewart: I refer the Honourable Member to parts (d) and (e) of the question now under reply.

Mr. S. Satyamurti: I carefully listened to the reply, and I am grateful for the assurance that the wishes of the House will be given careful consideration. I am asking whether Government will take steps to ascertain the wishes of the House on these major recommendations.

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to the answer I have given to part (d) of the question.

Mr. S. Satyamurti: I remember the answer. It did not say that Government will ascertain the wishes of this House. If so, I stand corrected. I want to know whether Government will take steps to ascertain the wishes of the House in respect of these major financial recommendations and the financial future of Indian Railways at a suitable opportunity.

The Honourable Sir Thomas Stewart: I think the Honourable Member has misunderstood me. Certain undertakings were given by Sir Sultan Ahmed in the course of the debate on the 27th August 1937. Beyond this I am unable to go.

Mr. S. Satyamurti: To the best of my recollection, Sir Sultan Ahmed did not give an undertaking with regard to these financial recommendations. May I know whether the present Honourable Member for Railways will give some undertaking to the House that before Government pass any orders on these very radical recommendations they will take steps to ascertain and abide by the wishes of this House?

The Honourable Sir Thomas Stewart: My understanding is that Sir Sultan Ahmed gave certain undertakings to this House in respect of what the Government of India regarded to be their obligations *vis-a-vis* this House. These undertakings are contained in his speech to which I have referred and I have said that I am not prepared to go beyond the undertakings that were then given.

Mr. S. Satyamurti: If there is no undertaking, then there is no going beyond. I am simply asking now whether on these fundamental and radical recommendations about the future of Railway finance, Government will ascertain and abide by the wishes of this House.

The Honourable Sir Thomas Stewart: The undertakings given by Sir Sultan Ahmed were in fairly general terms, and I am not prepared to particularise them now.

LOSSES OF THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT REPAYABLE TO THE CENTRAL REVENUES.

167. *Mr. Brojendra Narayan Chaudhury: Will the Honourable Member for Communications please state the amounts of interest bearing and non-interest bearing accumulated losses of the Posts and Telegraphs Department repayable to the Central Revenues and the basis for the division into interest bearing and non-interest bearing?

The Honourable Sir Thomas Stewart: There is no interest-bearing loss at present which is repayable by the Posts and Telegraphs Department to Central Revenues. The amount of the accumulated non-interest-bearing loss is Rs. 44,11,000. The losses due to concessional rates on press telegrams, in so far as they were not covered by the profits on other descriptions of telegraph traffic and on the non-commercial activities of the wireless branch, were non-interest bearing. Losses arising from the working of the Department in branches other than those mentioned above were interest-bearing. With effect from the 1st April, 1938, the distinction between interest-bearing and non-interest bearing losses has been abolished and all future losses will be interest-bearing.

POLICY OF THE POSTS AND TELEGRAPHS DEPARTMENT OF HAVING ITS OWN BUILDINGS.

168. *Mr. Brojendra Narayan Chaudhury: Will the Honourable Member for Communications please state whether it is the policy of the Posts and Telegraphs Department to have its own buildings, and how long and to what extent this policy has been pursued and with what savings?

The Honourable Sir Thomas Stewart: The policy of the Posts and Telegraphs Department is to construct its own buildings for the accommodation of Posts and Telegraph Offices, Telephone Exchanges and administrative offices whenever justified either on administrative or on financial grounds. It is not possible to say what savings have been effected by pursuing this policy.

Mr. Manu Subedar: Does this also include accommodation for the postmaster and the clerks?

The Honourable Sir Thomas Stewart: Certainly.

GRIEVANCES OF CLERKS IN THE CONTROL OFFICE AT MORADABAD.

169. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that the Control Office at Moradabad was reorganized in 1929, according to which the duties of clerks working in Control Office were re-arranged?

(b) Did the nature of duties of these clerks on the said re-arrangement make them liable to be called to duty at any hour of day and night?

(c) Is it or is it not a fact that this change in the duties was at the time considered sufficient to entitle them to rent free quarters?

(d) Is it or is it not a fact that that house allowance was given to these clerks for six years from 1929 to 1935? If not, till what date was it given? Was this house allowance given to them in lieu of free quarters?

(e) Is it or is it not a fact that Government in 1934, by a Circular, notified that the privileges enjoyed by the Oudh and Rohilkund Railway staff in matters of house allowance, etc., prior to the 1st October, 1932, would not be withdrawn?

(f) Is it or is it not a fact that the house allowance that used to be given to the Control Office at Moradabad has been stopped from 1935, while their duties remain the same as were settled in 1929?

(g) If the answer to parts (e) and (f) be in the affirmative, why have the orders been infringed in this case?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) No.

(c), (d), (f) and (g). The privilege of rent free quarters or house allowance in lieu thereof was erroneously sanctioned on a misapplication of the relevant rule in 1929 but on the matter being further examined, it was stopped in 1935. There was no change in the duties of the control staff in 1935.

(e) No special orders were issued in respect of Oudh and Rohilkund Railway staff. All members of the non-gazetted staff of the East Indian Railway who were in service on the 1st October, 1932, which was the date of the introduction of the revised rent rules, and who during the course of their previous service held posts which carried the privilege of rent free quarters or house allowance in lieu thereof, are entitled to continue to enjoy this privilege when filling similar posts subsequent to that date.

Qazi Muhammad Ahmad Kazmi: Is it not a fact that they are liable to be called for duty at any hour of the day or night?

The Honourable Sir Thomas Stewart: The answer is in the negative.

Qazi Muhammad Ahmad Kazmi: Was not that a condition on account of which the house allowance was given in 1929.

The Honourable Sir Thomas Stewart: That is not my understanding of the case.

Qazi Muhammad Ahmad Kazmi: Is the Honourable Member sure that from 1929 till 1935, when these orders were cancelled, these clerks were never liable to be called at any hour of the day or night.

The Honourable Sir Thomas Stewart: The privilege was given in 1929 through a misunderstanding of the rule. That misdirection was discovered in 1935 and the privilege was withdrawn.

Qazi Muhammad Ahmad Kazmi: Sir, the Honourable Member said that this was due to a misunderstanding of the rule. Did he have a perusal of that rule or not?

The Honourable Sir Thomas Stewart: No, Sir, I confess I have not read the rule.

Qazi Muhammad Ahmad Kazmi: May I know if the Honourable Member has inquired as to whether any change has taken place after 1935 or after 1929?

The Honourable Sir Thomas Stewart: Well, Sir, if the Honourable Member wishes further information, he must give notice of his desire.

Mr. K. Santhanam: May I know if the officer who issued the rule wrongly was surcharged for the excess payments?

The Honourable Sir Thomas Stewart: I should require notice of that.

WITHHOLDING OF AN APPEAL SUBMITTED BY THE STAFF OF THE CONTROL OFFICE AT MORADABAD.

170. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable Member for Railways please state whether it is a fact that Supplementary Rule 17(b) of the pamphlet containing regulations regarding disciplinary action against non-gazetted staff of the East Indian Railway, governs only cases in which appeals against any punishment or disciplinary action are filed by the individual concerned?

(b) Does this rule authorize the General Manager to withhold appeals to the Railway Board submitted by a section of the staff collectively, not against any punishment or disciplinary action, but against an order of the General Manager necessitating the interpretation of important rules involving a matter of principle, affecting the rights and privileges of such a section as a whole?

(c) Is it a fact that the General Manager, East Indian Railway, withheld an appeal of the nature mentioned in part (b) above submitted by the Control Office at Moradabad Railway Office? If so, why?

The Honourable Sir Thomas Stewart: (a) No.

(b) Yes.

(c) The reply to the first part is in the affirmative: as regards the second part, I would refer the Honourable Member to the reply I have just given to his question No. 169.

Qazi Muhammad Ahmad Kazmi: May I know when this irregularity about the house allowance was brought to the notice of the administration?

The Honourable Sir Thomas Stewart: The Honourable Member is talking on a question we have already disposed of.

Qazi Muhammad Ahmad Kazmi: Sir, it arises from part (b).

Mr. President (The Honourable Sir Abdur Rahim): That was answered in the reply to question No. 169.

Qazi Muhammad Ahmad Kazmi: Some mention in respect of the same irregularity was made in the previous question and I only ask when these irregularities were brought to the notice of Government Departments?

The Honourable Sir Thomas Stewart: Sir, on the assumption that there was an irregularity, it was brought to the notice of the Department after it was discovered.

OVERTIME ALLOWANCES PAID TO THE EMPLOYEES OF THE EAST INDIAN RAILWAY.

171. *Qazi Muhammad Ahmad Kazmi: Will the Honourable the Railway Member please state whether it is or it is not a fact that overtime allowance is paid to the members of the railway staff (East Indian Railway) under the rules for overtime work, independently of their title to free quarters, or house-rent in lieu thereof, and one sort of compensation does not exclude the other?

The Honourable Sir Thomas Stewart: Under the rules governing the grant of overtime allowances, an employee's eligibility for it is in no way connected with the question of free quarters, house rent or any other privileges admissible to him.

PREVENTION OF OVERCROWDING ON RAILWAYS.

172. *Mr. K. Santhanam: Will the Honourable Member for Railways please state:

- (a) whether the Railway Magistrate of Jhansi acquitted one Mr. S. K. Acharya who was prosecuted for pulling the communication cord to draw attention to overcrowding;
- (b) whether the authorities of the Great Indian Peninsula Railway have taken any action to punish the Railway officials who permitted the overcrowding;
- (c) whether there have been demonstrations in the suburban stations of Bombay against overcrowding; and
- (d) whether the Railway Board has taken any steps to see that the railway administrations prevent overcrowding by systematic control of the issue of tickets and increase of accommodation whenever necessary?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) I would refer the Honourable Member to section 102 of the Indian Railways Act which, as far as Government know, was not contravened by any railway official.

(c) Yes.

(d) Railway Administrations take such action as is practicable to prevent any overcrowding which may be anticipated by the increasing of loads of trains where possible and by the running of additional trains.

Mr. Manu Subedar: Sir, is it a fact that the Bombay suburban railway services have been unduly reduced? Is it a fact that the number of trains were unduly reduced and that that was the cause of these demonstrations?

The Honourable Sir Thomas Stewart: No, Sir, I am not so aware.

Mr. Manu Subedar: May I know if complaints against overcrowding on many sections of the G. I. P. have been very common in recent times?

The Honourable Sir Thomas Stewart: I am aware that there has been a considerable agitation in and around Bombay.

Mr. S. Satyamurti: Have Government or the Railway Board or the Railway Administration taken any steps to investigate the complaint that in the rush hours of the morning and evening there is overcrowding in these suburban trains? Have Government taken any steps to meet this rush traffic by increasing the number of travelling coaches?

The Honourable Sir Thomas Stewart: Government are satisfied that the administration of the G. I. P. are sufficiently seized of the problem with which they are presented.

Mr. S. Satyamurti: Have Government received information from the G. I. P. after this agitation that additional coaching services have been put on these suburban lines, in the morning and evening rush hours?

The Honourable Sir Thomas Stewart: I should require notice of that. I am not aware of the precise nature of the action taken by the administration to meet this emergency.

Mr. Manu Subedar: In view of the fact that the reply given by the G. I. P. was that it is not economical to run more suburban trains, will the Honourable Member make an inquiry as to on what basis this calculation is made and let this House have a considered opinion?

The Honourable Sir Thomas Stewart: Well, Sir, I am afraid I have got no official information that would justify me in making any such inquiry. If the Honourable Member can give me some substantial evidence, then I should be prepared to go further into the matter.

Mr. Sri Prakasa: Do Government agree with the opinion of the Railway Magistrate of Jhansi in this behalf?

The Honourable Sir Thomas Stewart: It would be entirely improper for me to offer a criticism of what a magistrate has said.

Mr. Lalchand Navalrai: With regard to the answer to clause (a) and in view of the fact that the words "improper use of the communication cord" are very loose and that the meaning of "improper" is often not understood, will the Honourable Member ask the Railway Board to lay down illustratively what is "improper use", because this overcrowding is also one of the grounds for proper use?

The Honourable Sir Thomas Stewart: I should be obliged to the Honourable Member for his advice as to the definition of "improper use".

Mr. Lalchand Navalrai: Sir, my definition may not be accepted. If it is, then I say that overcrowding is improper. Therefore, I am submitting

that in order to make the masses understand, something illustrative may be laid down. The Honourable Member is not doing that?

The Honourable Sir Thomas Stewart: I asked the Honourable Member for his assistance in carrying out the process he suggests.

Mr. Lalchand Navalrai: The Honourable Member might ask the Railway Board to give attention to this matter.

The Honourable Sir Thomas Stewart: If the Honourable Member will put forward a concrete proposition, I shall be glad to consider it.

Mr. Sri Prakasa: Sir, I was not asking the Honourable Member to criticise the judgment of the Railway Magistrate at Jhansi, but only if he agrees with it, for, if he does, we can go on pulling the chain all the time.

(No answer.)

TRAIN DISASTER NEAR HAZARIBAGH ON THE EAST INDIAN RAILWAY.

173. *Mr. K. Santhanam: Will the Honourable Member for Railways please state:

- (a) the total number of casualties in the Hazaribagh Railway accident which occurred on the 12th January, 1939;
- (b) the type of engine which was used on the train;
- (c) the name of the driver, his qualifications and experience;
- (d) the time at which a previous train passed over the scene of the accident; and
- (e) whether a public enquiry will be instituted and, if so, when?

The Honourable Sir Thomas Stewart: (a), (b) and (d). I would refer the Honourable Member to the Senior Government Inspector's report, a copy of which was given to Honourable Members.

(c) M. D. Sargeant. Over 11 years' previous experience on the Caledonian Railway. He has worked as a driver on the East Indian Railway for over 20 years. He has officiated as Power Transportation Inspector on three occasions and was promoted to Grade I Driver (Mail) on the 1st October, 1933.

(e) I would refer the Honourable Member to my speech in reply to the adjournment motion in this House on the 3rd instant.

Mr. K. Santhanam: Have Government got any further information to give regarding the constitution of the public enquiry?

The Honourable Sir Thomas Stewart: I am not in a position to do that at present.

Mr. Manu Subedar: May I know how old that driver is?

The Honourable Sir Thomas Stewart: I cannot say.

CONTEMPLATED RAILWAY LINK BETWEEN INDIA AND BURMA.

174. *Mr. K. Santhanam: Will the Honourable Member for Railways please state:

- (a) whether a railway link between India and Burma is being contemplated;
- (b) whether any surveys have been undertaken in this behalf;
- (c) whether, as a result of such surveys, any projects have been drawn up;
- (d) what is the estimated cost of those projects; if any; and
- (e) whether the Government of India will consult the Assembly and take into consideration public opinion before entering into any commitments in this matter?

The Honourable Sir Thomas Stewart: (a) No.

(b) Surveys have been undertaken in the past.

(c) Estimates of cost have been made.

(d) In the region of ten crores.

(e) Does not arise.

TRAINS HELD UP DUE TO OVERCROWDING NEAR BOMBAY ON THE GREAT INDIAN PENINSULA RAILWAY.

175. *Mr. Abdul Qaiyum: Will the Honourable Member for Railways please state:

- (a) whether he has read the news in *Civil and Military Gazette*, Lahore, dated the 13th January, 1939, headed "Railway trains held up";
- (b) whether owing to terrible overcrowding, passengers resorted to *satyagraha* on the Great Indian Peninsula Railway near Bombay on the 11th January, 1939;
- (c) how long the traffic was held up and how many persons were arrested; and
- (d) whether steps have been taken to eliminate such possibilities in future?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) and (c). I have called for information and will lay a reply on the table of the House later.

(d) I would refer the Honourable Member to the reply given today to part (d) of Mr. K. Santhanam's starred question No. 172.

Mr. Abdul Qaiyum: May I know when the information was called for?

The Honourable Sir Thomas Stewart: Sir, I am unable to inform the Honourable Member.

Mr. Abdul Qaiyum: May I know what is the reason for the delay in receiving this information?

The Honourable Sir Thomas Stewart: I am not aware that there has been any delay.

PROVISION OF INTERMEDIATE CLASS WAITING ROOMS AT THE DEHRA DUN AND SAHARANPUR RAILWAY STATIONS.

176. *Mr. Badri Dutt Pande: Will the Honourable Member for Railways be pleased to state:

- (a) if intermediate class waiting rooms have been provided at the Dehra Dun and Saharanpur railway stations; .
- (b) if so, from which date; and
- (c) if not, why not?

The Honourable Sir Thomas Stewart: Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

Mr. Badri Dutt Pande: Sir, the Honourable Member said, in reply to a question, that an intermediate class waiting room will be provided for in Dehra Dun. May I know why no action has been taken?

The Honourable Sir Thomas Stewart: I should be obliged if the Honourable Member will give me a more specific reference to the answer I am alleged to have made.

Mr. Sri Prakasa: Pending the construction of a separate intermediate class waiting room, will Government recommend to the authorities to combine the first and second class waiting rooms and place the room, thus made available, at the disposal of the intermediate class passengers?

The Honourable Sir Thomas Stewart: That question does not arise, I submit, out of the one relating entirely to intermediate class waiting rooms.

INCONVENIENCE DUE TO CHANGE IN TIMINGS OF THE TRAIN LEAVING KATHGODAM IN THE EVENING.

177. *Mr. Badri Dutt Pande: (a) Does the Honourable Member for Railways know that till last year the evening train that left Kathgodam at 6 P.M. had connection at Bareilly junction with the Saharanpur-Allahabad Passenger (32 Down), but, now, as the Rohilkund-Kumaon Railway has changed its time, passengers who want to go to Allahabad for their High Court work and other business, are generally inconvenienced for want of a corresponding train at Bareilly?

(b) In view of the difficulty explained above, is it the intention of Government to revert to the old time-table?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) The Rohilkund and Kumaon Railway propose to re-introduce the connection between their 2 Down Express and the East Indian Railway 32 Down at Bareilly from the 1st April, 1939.

QUARTERS FOR CLERKS AND MENIALS ON THE BENGAL NAGPUR RAILWAY.

178. *Mr. K. S. Gupta: (a) Will the Honourable Member for Railways please state what is the accommodation of the officers quarters of the Bengal Nagpur Railway at headquarters and on the line?

(b) Is the Honourable Member aware that there are several complaints from the clerical staff of the Bengal Nagpur Railway that the quarters supplied to them are mostly inadequate and ill-ventilated and the lighting arrangements are very poor?

(c) Is the Honourable Member aware that the menial quarters on the Bengal Nagpur Railway are hopelessly small and mostly single tenements with no accommodation for cooking and lavatory and the surroundings of such quarters are not at all provided with any lighting arrangement?

The Honourable Sir Thomas Stewart: (a)—(c). Government have no information. Subject to general financial control by the Railway Board these matters are within the competence of the Agent and General Manager of the Bengal Nagpur Railway which is Company-managed, but if the Honourable Member so desires, I shall send a copy of the question to the Agent and General Manager for such action as he may consider necessary.

APPLICATIONS INVITED FOR THE POST OF PROGRAMME ASSISTANTS FOR THE ALL-INDIA RADIO.

†179. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will the Honourable Member for Communications be pleased to state whether applications were invited for the post of Programme Assistants for the All-India Radio so early as March, 1938?

(b) How many applications were received, and was a committee appointed to select the candidates? If so, who appointed the members of the committee, and who are they?

(c) Has the final selection been made and, if so, who are the candidates and what are their qualifications?

(d) If no selection has been made, why is there so much delay?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) 3,000 approximately. A Selection Board was constituted by the Government of India. It consists of the Controller of Broadcasting, two Station Directors of All-India Radio, R. B. Ram Kishore and Mirza Mohammad Said

(c) No. The second part does not arise.

(d) The delay is due to the fact that owing to the need for economy the question of filling the posts substantively is under consideration.

ACCIDENTS ON THE EAST INDIAN RAILWAY.

180. ***Maulvi Abdur Rasheed Chaudhury:** Will the Honourable the Railway Member please state:

(a) the total number of major accidents that took place on the East Indian Railway since the Bihta disaster;

(b) the total casualties in each major accident, showing the number killed and wounded, separately;

(c) the cause ascertained for each major accident;

(d) the person or persons responsible for each accident;

(e) the cause of accident in 9 Up Howrah-Dehra Dun Express, on Thursday, the 12th January, 1939.

(f) the number of people who lost their lives and got injured in this disaster;

(g) what was the reason for the coaches catching fire after the disaster; and

(h) how many people were burnt in the fire?

The Honourable Sir Thomas Stewart: (a) Six.

(b), (c) and (d). A statement giving the information is laid on the table.

(e) to (h). I would refer the Honourable Member to the Senior Government Inspector's report, a copy of which was given to Honourable Members.

Statement showing major accidents that occurred on the East Indian Railway since the Bihar Disaster in July 1937.

No.	Name of Accident.	Killed.	Injured.	Causes.
1	No. 7 Up Howrah Delhi Express train running into No. 212 Down Goods train at Barnhauri Station on the 16th January, 1938.	7	21	Driver of No. 7 Up running past signals at danger in a very dense fog owing to which he had failed to see them. His speed was not excessive. He did not get benefit of a warning by fog signals.
2	Collision of empty mela rake No. 9 with the palisade fencing of a pilgrim enclosure at Hardwar on the 15th April, 1938.	8	34	(a) Failure on the part of the Yard Foreman to observe proper precautions during shunting operations. (b) The addition of 2 vehicles to the rake No. 9 without advice being given. (c) The omission of a section of palisade fencing showing in the approved plan of the mela area. (d) The inadequacy of the buffer stop.
3	Derailment of 5 Up Mail between Muthroopore and Sankarpur on 7th June, 1938.	2	39	Sabotage by persons unknown.
4	Derailment of No. 18 Down Express at Bhadaura on the 16th October, 1938.	4	40	Sabotage by persons unknown.
5	Derailment of No. 9 Up Dehra-Dun Express between Chichaki and Hazaribagh road on the 12th January, 1939.	21	77	Sabotage by persons unknown.
6	Collision between Up light engine of material train No. 6 and Down light engine of No. 6. S. B. Goods train between Mohammedgunj and Garhwa stations on the 25th January, 1939.	7	3	These engines collided when proceeding "with permission to proceed without line clear" which was issued due to total failure of all communications. The report is awaited.

Maulvi Abdur Rasheed Chaudhury: With regard to the answer to clause (c), may I know whether any cause has been ascertained for the disaster on the 12th of last month?

The Honourable Sir Thomas Stewart: Yes, Sir. The Honourable Member will find the causes given in the statement which has been laid on the table.

Maulvi Abdur Rasheed Chaudhury: With reference to part (g) of the question, may I ask what was the reason for the coaches getting fire?

The Honourable Sir Thomas Stewart: If the Honourable Member had listened to what I said a few days ago he would have heard the possible explanation of how the coaches caught fire. He would have also heard that I said that I was not prepared to support one theory at the expense of the other.

Mr. S. Satyamurti: May I ask if the cause of the coaches catching fire will be one of the matters which will be referred to the Tribunal of Inquiry?

The Honourable Sir Thomas Stewart: That, I suspect, will not be altogether outside the terms of reference which will be framed.

CONSTITUTION OF AN ENQUIRY COMMITTEE TO ASCERTAIN THE CAUSES OF REPEATED ACCIDENTS ON RAILWAYS.

181. *Maulvi Abdur Rasheed Chaudhury: Will the Honourable the Railway Member please state how many representations Government have received from individuals and associations for constituting an enquiry committee to ascertain the causes of repeated accidents and to recommend suitable measures for the safety of travelling public? Do Government propose to constitute an enquiry committee for the purpose? If so, when and how? If not, why not?

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to my speech in reply to the adjournment motion in this House on the 3rd February, 1939.

Maulvi Abdur Rasheed Chaudhury: May I know when this Inquiry Committee will be appointed?

The Honourable Sir Thomas Stewart: I should be reluctant to commit myself to any particular date but I have already said twice on the floor of this House that the composition of the Committee and its terms of reference are now under consideration.

Mr. S. Satyamurti: May I ask if Government are considering the appointment of a person of the status of a Judge of the High Court to conduct this inquiry?

The Honourable Sir Thomas Stewart: Certainly the suggestion of the Honourable Member is one to which we will give our closest attention.

Mr. Badri Dutt Pande: The Federal Judges have not much work to do, one of them may be deputed to this job.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. Next question.

NON-OBSERVANCE OF RECRUITMENT RULES IN THE ENGINEERING DEPARTMENT OF THE EASTERN BENGAL RAILWAY.

†182. ***Mr. Muhammad Nauman:** (a) Is the Honourable Member for Railways aware that the Railway Board's orders to the Railway Administration are that if any post filled by a staff from a particular community on probation falls vacant, that post should be filled by a member of the same community?

(b) If so, will the Honourable Member state the reasons why very recently this was not observed in the Engineering Department of the Eastern Bengal Railway in filling up the vacancy of a B.A., B.L., Muslim out-door General Assistant under the Executive Engineer, Eastern Bengal Railway, Calcutta, when he was discharged on and from the 10th March, 1938?

(c) Is the Honourable Member aware that that vacancy was never advertised according to the rules of recruitment, which are never observed in the Engineering Department of the Eastern Bengal Railway?

The Honourable Sir Thomas Stewart: (a) No. A vacancy caused by the termination of the services of a probationer is treated as (i) unreserved or (ii) reserved for Muslims or the other minority communities, according as the vacancy in which the probationer was originally appointed was treated as unreserved or so reserved.

(b) The vacancy was unreserved.

(c) The vacancy was advertised.

VACANCIES OF OFFICERS IN THE LOWER GAZETTED SERVICE ON STATE RAILWAYS.

†183. ***Mr. Muhammad Nauman:** (a) Will the Honourable Member for Railways be pleased to state how many vacancies of officers in the lower gazetted service fell vacant during the period from the 18th January, 1925 to the 1st January, 1939, on the State-managed Railways?

(b) How many upper subordinates were promoted to the said posts in the lower gazetted service, community by community?

(c) How many out of them are still occupying these posts?

(d) Is it not a fact that Muslim claims were ignored?

The Honourable Sir Thomas Stewart: (a) to (c). Government do not consider that the labour involved in compiling the information required can be justified.

†Answer to this question laid on the table, the questioner being absent.

(b) Government have no reason to believe that there has been any discrimination against Muslims.

NON-APPOINTMENT OF A QUALIFIED MUSLIM AS SUPERINTENDENT, DRAWING OFFICE ON THE EASTERN BENGAL RAILWAY.

†184. ***Mr. Muhammad Nauman:** Is the Honourable Member for Railways aware that there are Muslims, holding degree of B.E., who have taken practical training on the Eastern Bengal Railway, but their cases were not considered by the Administration for the newly sanctioned post of a Superintendent, Drawing Office, filled without advertisement-cum-Selection Board Rules of Recruitment?

The Honourable Sir Thomas Stewart: There were no Muslims who possessed the B. E. degree and had completed their practical training when the post referred to was filled.

ABSENCE OF A MUSLIM WELFARE OFFICER ON THE EASTERN BENGAL RAILWAY.

†185. ***Mr. Muhammad Nauman:** (a) Is the Honourable Member for Railways aware that no Welfare Officer on the Eastern Bengal Railway has ever been a Muslim, since the creation of that post on the Railway?

(b) If the reply to part (a) be in the negative, is the Honourable Member prepared to consider the desirability of the appointment of a Muslim Welfare Officer on the Eastern Bengal Railway immediately?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) The posting of railway servants to particular posts cannot be regulated on a communal basis.

FILLING UP OF CERTAIN VACANCIES IN THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

†186. ***Mr. Muhammad Nauman:** (a) Is the Honourable Member for Railways aware of the fact that candidates who have offered themselves for the post of Ticket Collectors, Commercial Clerks and Guards, according to advertisements, or in accordance with their private information gathered from the Divisional Superintendent's Office, Howrah Division of the East Indian Railway, between the period from 1st April, 1935 to 1st December, 1938, were selected for other posts of Office clerks, Number-takers, Control-clerks, Trains clerks, Weigh clerks, Assistant Station Sergeants in the lower and higher grades, without making these posts public?

(b) If the reply to part (a) be in the negative, will the Honourable Member be pleased to state how many vacancies of Ticket Collectors, Assistant Booking clerks, Guards, Shed clerks, Control-clerks, Relieving clerks (Transportation and Commercial) Weigh clerks, Guards, Office clerks, occurred during the said period. How, where and when were those vacancies advertised? How many candidates were examined by Selection Board for these posts, separately community by community? Why was an approved list of candidates maintained without prior notification in advertisement?

†Answer to this question laid on the table, the questioner being absent.

(c) Do advertisements always specify the number of vacancies reserved for each of the minority communities? If not, why not?

(d) Are the requisite qualifications, laid down in the Recruitment Rules for candidates for different posts shown in advertisements invariably? If not, why not?

(e) Is the staff, temporarily appointed during seasonal *melas* and festivals from time to time, given preference over candidates appearing before the Selection Boards?

The Honourable Sir Thomas Stewart: (a) and (b). I would refer the Honourable Member to the reply I gave to his questions Nos. 1699 and 1700 on 2nd December, 1938. Government do not consider that the compilation of the further information now asked for can be justified.

(c) No, as the number is not usually known at the time.

(d) Yes. The second part does not arise.

(e) No.

MILITARY OPERATIONS ON THE NORTH-WEST FRONTIER.

186A. *Mr. K. S. Gupta: (a) Will the Foreign Secretary please state the amounts spent from year to year up to date since the operations on the North-West Frontier began?

(b) What are the number of raids which took place during those years, respectively?

Sir Aubrey Metcalfe: (a) The extra expenditure on Waziristan Operations from November, 1936, to the end of December, 1938, is estimated to be Rs. 242 lakhs as detailed below:

1936-37—18 lakhs.

1937-38—194 lakhs.

1938-39 to the end of December 1938—30 lakhs.

(b) The number of important raids committed in the Districts of the North-West Frontier Province, by or with the help of trans-border offenders is as follows:

1936-37 (Financial year).—37.

1937-38 (Financial year).—74.

April to December 1938—44.

Mr. S. Satyamurti: With reference to the answer to clause (a) of the question, may I know what is the criterion from which my Honourable friend gives the figure, I believe, for the last three years? Does it mean that the operations have been continuing for all these three years?

Sir Aubrey Metcalfe: As the Honourable Member is aware, the present operations started in November 1936. I presume that that is the date from which the Honourable Member who put down the question wanted the information.

Mr. S. Satyamurti: May I take it that these operations have been going on all this time from 1936 and may I know what are the positive results of these operations from the point of view of India?

Sir Aubrey Metcalfe: I think the result is that things are quieter than they were when the operations started.

Mr. S. Satyamurti: May I ask the Honourable Member to give some indication to the House of the basis on which he has come to the judgment that the position is quieter there than it was in 1936?

Sir Aubrey Metcalfe: I can hardly answer that question in reply to a supplementary. If the Honourable Member wants a speech on the subject, I will prepare one.

Mr. Abdul Qaiyum: Is the Honourable Member aware that instead of things becoming quieter, three settled districts have become Waziristan?

Sir Aubrey Metcalfe: It is a matter of opinion?

Mr. Manu Subedar: Can the Honourable Member give us some idea of the amount of damage, that is, the value of the loot, which these raids are involving?

Sir Aubrey Metcalfe: Not without notice.

Mr. Abdul Qaiyum: Is the Honourable Member aware that owing to the disturbed state His Excellency the Governor had to travel by train for the first time from Peshawar to Dera Ismail Khan? Is it not a fact that trains and aeroplanes are now being used, and the roads have been deserted?

Sir Aubrey Metcalfe: The Honourable Member is giving rather than asking for information.

Mr. Abdul Qaiyum: This is an index to the quiet which is supposed to prevail.

Mr. S. Satyamurti: Is the Honourable Member aware that the roads in this area are quite as safe now as they were when the operations began?

Sir Aubrey Metcalfe: I think I am answering a question on that subject later.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred questions Nos. 4 and 191 asked by Mr. Sham Lal on the 31st January, 1938, and 9th February, 1938, respectively.

PENSIONERS AND OFFICERS SERVING IN INDIAN STATES.

- (a) A statement is laid on the table of the House.
- (b) The number is not large in proportion to the number of Indian States.

Statement showing the number of British Government pensioners and serving officers employed in Indian States on the 31st March, 1937, on salaries of more than Rs. 200 per mensem.

British Government pensioners	European 70	} Total 292	} Grand total 420.
	Indian 222		
British Government serving officers	European 32	} Total 128	
	Indian 96		

Information promised in reply to unstarred questions Nos. 36, 37, 39 and 41 asked by Qazi Muhammad Ahmad Kazmi on the 24th February, 1938.

GRIEVANCES OF THE EX-BRAKESMEN ON THE EAST INDIAN RAILWAY.

Unstarred Question No. 36.—(a) to (d) and (g). The Honourable Member is referred to the reply given to Mr. Muhammad Azhar Ali's starred question No. 1350 asked on the 15th October, 1936. The scale of pay of letter delivery clerks on the old East Indian Railway and up to March, 1935, was Rs. 26—2—40 with a good attendance allowance of Rs. 5 per mensem. The posts of letter delivery clerks were then abolished, being replaced by sorters on Rs. 18—1—27. Men already in the service continued to draw the old scales of pay *plus* the allowance pending absorption in other grades, but later (during 1935 and 1936) those who could not be so absorbed were placed in the new grade of Rs. 18—1—27 as an alternative to being discharged from the service. On the old Oudh and Rohilkund Railway, brakemen were employed up to the time of the amalgamation of that Railway with the East Indian Railway in the scale of Rs. 16—2—28 *plus* running allowance. After the amalgamation in 1925 it was decided to replace brakemen by letter delivery clerks on the East Indian Railway scale of pay, but this did not apply to brakemen already in the service who continued to draw the Oudh and Rohilkund Railway scale of pay and allowances until the 1st September, 1935, on the Moradabad Division when the mileage allowance was discontinued. On the Lucknow Division the posts of brakemen were retrenched in 1931. On a re-examination of the position, it has been decided that with effect from the 1st October, 1938, those sorters now in service who were formerly employed as letter delivery clerks on the combined system should be given the grade of Rs. 26—2—40 if their service is from a date prior to the 16th July, 1931, and the grade of Rs. 24—2—36 otherwise.

(e) Yes.

(f) Because it applied only to staff appointed after the 15th July, 1931.

GRIEVANCES OF EX-BRAKESMEN ON THE EAST INDIAN RAILWAY.

Unstarred Question No. 37.—(a) to (c). The Honourable Member is referred to the information laid on the table of the House today in reply to unstarred question No. 36 asked on the 24th February, 1938.

The designation "brakeman" (scale of Pay Rs. 22—1—32) was discontinued on the East Indian Railway from 1st October, 1923. After the amalgamation of the Oudh

and Rohilkund Railway with the East Indian Railway in 1925, employees designated on the Oudh and Rohilkund Railway as "brakesmen" (scale of pay Rs. 16—2—28 *plus* mileage allowance at six annas per 100 miles for those drawing under Rs. 25 and eight annas per 100 miles for those drawing Rs. 25 and over) continued on the Lucknow Division as such up to 1931. On the Moradabad Division, brakesmen were partially replaced by letter delivery clerks as it was considered that the designation of men doing the same kind of work on all sections should be the same. It was originally intended to replace brakesmen by letter delivery clerks gradually, but in 1935 it was decided to replace all existing brakesmen as well as letter delivery clerks by sorters. This change was made as the latter designation more clearly indicated the nature of their duties.

The designations "free service clerks" and "train despatch clerks" fell into disuse some years ago, but the exact dates are not known. Their scale of pay was Rs. 28—2—50. No information is now available as to what, if any, allowances were given and what their duties were.

Letter delivery clerks (scale of pay, Rs. 26—2—40 with a good attendance allowance of Rs. 5) were employed on the East Indian Railway up to 1935, when they were replaced by sorters (scale of pay, Rs. 18—1—27 *plus* a daily allowance of 6 annas).

Brakesmen on the Oudh and Rohilkund Railway dealt only with articles, despatched on railway service: on the East Indian Railway they assisted the guard generally in looking after passengers, etc. The duties of letter delivery clerks and sorters are confined to dealing with articles including covers containing letters despatched on railway service.

(d) No difference.

EXCLUSION OF EX-BRAKESMEN ON THE EAST INDIAN RAILWAY FROM THE MEMBERSHIP OF PROVIDENT FUND.

Unstarred Question No. 39.—(a) Two: one has about 26 years service and the other 22. They were allowed to subscribe to the provident fund from May, 1918, and March, 1920, respectively and continued to do so up to the 31st August, 1936.

(b) and (c). They were entitled to subscribe to the provident fund till they became sorters in 1935 as the latter posts are on the inferior establishment. They then became ineligible for membership of the fund under rule 6 (b) of the State Railway Provident Fund Rules, a copy of which is in the Library of the House. Subscriptions to the fund, however, were erroneously recovered from them up to 31st August, 1936. As these men have with effect from 1st October, 1938, been restored to the former grade of letter delivery clerks on the subordinate establishment, they are now eligible to subscribe to the provident fund and the question of refunding their provident fund assets does not now arise.

RESTORATION OF OLD SCALES OF PAY AND ALLOWANCES TO EX-BRAKESMEN ON THE EAST INDIAN RAILWAY.

Unstarred Question No. 41.—(a) In the year 1934, the Agent sanctioned the conversion of three vacant posts of brakesmen (grade Rs. 16—2—28) on the Moradabad Division into three posts of letter delivery clerks in grade Rs. 26—2—40.

(b) the *ex-brakesmen* who were still in service continued up to 1935 to receive their previous emoluments.

(c) Yes. This was, however, up to March, 1935, the revised grade Rs. 24—2—36 being applicable to men engaged after 15th July, 1931.

(d) and (e). The Honourable Member is referred to the information laid on the table of the House today in reply to unstarred question No. 36 asked on the 24th February, 1938.

Information promised in reply to parts (a) to (c) of starred question No. 1088 asked by Mr. S. Satyamurti on the 16th September, 1938.

RACIAL DISCRIMINATION IN CHARGING RENTS FROM REFRESHMENT ROOM CONTRACTORS ON RAILWAYS.

Railway.	Stations at which 1st and 2nd class refreshment rooms are provided.	Name of Contractor.	Rental charged.	Indian refreshment rooms.	Rental charged or Licencee.	Remarks.
Assam Railway.	Feni, Chandpur, Laksam, Akhaura, Kulaura, Sylhet Bazar, Karimganj, Badarpur, Lower Hafong, Gauhati, Chaparmukh, Lumding, Mani-pur Road, Furkating, Mariani, Simaluguri and Tinsukia.	Messrs. G. F. Kellner & Co.	Rs. A. P. A nominal fee of Re. 0-1-0 per month for each room.	Laksam—Hindu . Laksam—Muhammadian . Chandpur—Hindu . Chandpur—Muhammadian . Akhaura—Hindu . Akhaura—Muhammadian . Kulaura—Hindu . Kulaura—Muhammadian . Lower Hafong—Hindu . Lumding—Hindu . Lumding—Muhammadian .	Rs. A. P. 150 0 0 150 0 0 276 0 0 250 0 0 200 0 0 200 0 0 160 0 0 150 0 0 528 0 0 500 0 0 225 0 0	There is no licence fee paid to the Railway for first and second class refreshment rooms and only a nominal rental of one anna per month. This cannot be considered as economic rent. In view of the very small numbers using these refreshment rooms it is all the contractors can do to manage the catering business without a subsidy. No suitable contractor could make it pay if anything approximating an economic rental was charged unless subsidised. Leases for Indian refreshment rooms are put up to auction each year and a reserve price equivalent to 15 per cent. of the cost of the building the refreshment room is imposed. When it is not possible to get the reserve price at the auction such refreshment rooms are leased out by private treaty. A nominal fee of one anna per month is recovered both for first and second class refreshment rooms and Indian refreshment rooms.
Bengal and North Western Railway.	Gonda, Basti, Gorakhpur, Bhatni, Savan, Sonopore, Chupra, Barauni Junction, Thanaabpuri, Samastipur, Munshiganj, Modhari, Narasiganj, Mokamghat (on Steamer) Mau Junction.	Ditto	Ditto	Gonda, Gorakhpur, Samastipur, Munshiganj, Sonopore, Thanaabpuri, Aurhar Junction and Barauni Junction.	A nominal fee of Re. 0-1-0 per month for each room.	

Bengal Nagpur Railway.	All 1st & 2nd class Refreshment Rooms are worked Depart- mentally.	Worked departmentally	...	Htada.	Licenses fee.	No comparison can be made as all first and second class refresh- ment rooms are worked departmentally.
				Garden Reach, Ramrajstollah, Santagachi, Andul, Ulu- beria, Bagnan, Kolaghat, Machada, Ballichuck.	4,000 0 0	
				Khargpur	7,000 0 0	
				Contai Road, Dantan, Jales- war, Rupsa, Baripada, Balsore, Bhadrak, Jena- pur, Cuttack, Garbhen Kanal, Khurda Road, Puri.	7,500 0 0	
				Kalupatraghat, Balugaon, Rambha Chatrapur, Ber- hampur, Ichhapuram, Palasa, Nainpada, Paraki- medi, Chilacole Road, Dusi, Ponduru, Vizianagram, Waltair, Bobbili, Parvati- puram, Rayaghadia.	14,900 0 0	
				Midnapur, Chandrakona Road, Garbetta, Vishnu- pur, Bankura, Adra, Bhojudih, Bhaga, Mohuda, Burnpur, Garhadrubesar, Anara.	7,300 0 0	
				Purulia, Muri, Ranchi, Chandli, Barabhum.	3,050 0 0	
				Jhargam, Gidli, Dalbhum- garh, Ghustalla, Galudih, Tatanagar, Gurnahlahani, Bedampahar, Sini, Raj Kharwan, Chalbassa, Dongaposi.	3,700 0 0	
				Chakardharpur, Monharpur, Rourkela, Birmitrapur, Kulunga, Bamra, Jharsu- guda, Sambalpur.	4,800 0 0	
				Bilaspur, Sakti, Champe, Bhatapara, Bhatarpara, Khodri, Pandra Road, Anuppur, Sabdol, Umeria and Manendragarh.	7,400 0 0	
				Raipur, Drug, Rajnandgaon, Dongargarh, Angaon, Abahampur, Dhamtari, Mahasamund, Khairiar Road, Kantebanji, Keetnga.	6,300 0 0	

Railway.	Stations at which 1st and 2nd class refreshment rooms are provided.	Name of Contractor.	Rental charged.	Indian refreshment rooms.	Rental charged or Licence.	Remarks.
Bengal Nagpur Railway— <i>contd.</i>			Rs. A. P.		<i>License fees.</i> Rs. A. P.	
				Gondia, Balaghat, Mandla Fort, Nainpur, Shikara, Seoni, Chhindwara, Rajoli, Nagbhir.	3,150 0 0	
				Tirora, Tumsar Road, Tharwa, Kanhan, Kamptee, Itwari, Saoner, Umrer.	3,150 0 0	
				<i>Muhammadian.</i>		
				Bilaspur, Raipur, Angaon, Dongargarh, Gondia, Tumsar Road, Itwari, Mansamund, Kharlar Road, Kantabanji, Pendra Road, Anuppur, Bahdol, Balaghat, Nainpur, Kola-ghat, Machada, Raigarh, Charkharpur, Mahharpur, Kulluga, Ranchi, Adra, Mun, Purnia, Bhojudhi, Balseore, Bhadrak, Cuttack, Khurda Road, Barampore, Falase, Vishanagar, Witali.	9,000 0 0	
Bombay, Baroda and Central India Railway.	Bombay Central	Messrs. D. Aguiar & Co.	Pays 30 per cent. of net profits for each station.	Bombay Central—Hindu - Bombay Central—Muhammadian -	636 0 0 636 0 0	A consolidated rent per annum which includes water and cess charges and in some cases rents for servants quarters is recovered from all contractors of both first and second class refreshment rooms and Indian refreshment rooms. The contractor at Bombay Central pays 30 per cent. of net profits.
	Bandra, Surat, Baroda, Godhra, Ratlam, Kotadi, Abu Road, Amner.	Ditto		Nandurbar—Hindu - Amner—Hindu - Vadgam—Hindu - Wadhwan—Hindu - Wadhwan—Muhammadian - Mehsana—Hindu - Mehsana—Muhammadian - Phulera—Hindu - Phulera—Muhammadian - Rewari—Hindu - Rewari—Muhammadian - Marwar J.n.—Hindu -	916 0 0 521 4 0 521 0 0 136 0 0 98 0 0 972 0 0 202 0 0 48 0 0 48 0 0 90 0 0 54 0 0 300 0 0	
	Ahmedabad	Mr. John D'Mello	237 0 0	Phulera—Hindu	48 0 0	
	Bharatpur*	Mr. Md. Omardarakhhan	96 0 0	Phulera—Muhammadian	48 0 0	
	Mehsana*	Mr. Albino Mendonca	54 0 0	Rewari—Hindu	90 0 0	
	Neemuch	M/S. Desabhai Palsani	48 0 0	Rewari—Muhammadian	54 0 0	
	Mlow*	Mr. Bashir Khan	48 0 0			
	Ujjain*	Mr. J. Pestonji	48 0 0			
	Agra Fort*	M/S. Sikandershah and Sons	96 0 0			
	Wadhwan*	S. Sulemanshah	48 0 0			
	Marwar J.n.	M/S. Sikander Shah & Sons	48 0 0			
	Chitorgarh	Mr. Rahim Shah	200 0 0			
	Bandikui*	M/S. Bashir Shah and Karim Shah.	72 0 0			
	Phulera	Mr. Kunwar Baghuraaj Singh.	63 0 0			
	Rewari*					
	Hissar*					
	Kasganj*					

Eastern Bengal Railway.	Calcutta (Sealdah), Ranaghat, Poradaha, Ishurdi, Rajshahi, Amnara, Sandahat, Farbatipur, Khulna, Siliguri, Dacca, Katihar, Lalmanirhat, Cooch Behar, Mymensingh, Golokganj, Sonmug, Rangiya, Jalpaiguri, Majbat.*	Messrs. D. Sorabjee & Company.	A nominal fee of Rs. 1 per month for each room.	Per mensem. Rs. A. P.	Contractors for first and second class refreshment rooms pay only a nominal rent of Re. 1 per month per refreshment room. They also pay cost of current for fans and lights provide caddery, napery, furniture, refrigerators, etc., pay rental for readen-tal quarters occupied by their staff and supply uniforms to the latter.
	Goalundo—Hindu			4 0 0	
	Goalundo—Muhammadian			4 0 0	
	Poradaha—Hindu			4 0 0	
	Poradaha—Muhammadian			4 0 0	
	Bongaon—Hindu			2 8 0	
	Bongaon—Muhammadian			5 0 0	
	Farbatipur—Hindu			5 0 0	
	Farbatipur—Muhammadian			2 8 0	
	Khulna—Hindu			2 8 0	
	Khulna—Muhammadian			5 0 0	
	Siliguri—Hindu			5 0 0	
	Siliguri—Muhammadian			5 0 0	
	Santabar—Hindu			5 0 0	
	Santabar—Muhammadian			5 0 0	
	Lalmanirhat—Hindu			5 0 0	
	Lalmanirhat—Muhammadian			35 0 0	
	Katihar—Hindu			5 0 0	
	Katihar—Muhammadian			4 0 0	
	Mymensingh—Hindu			4 0 0	
	Mymensingh—Muhammadian			1 8 0	
	Rajbari—Hindu			1 8 0	
	Rajbari—Muhammadian			1 8 0	
	Sirajganj (Ghat)—Hindu			1 8 0	

Contractors for first and second class refreshment rooms pay only a nominal rent of Re. 1 per month per refreshment room. They also pay cost of current for fans and lights provide caddery, napery, furniture, refrigerators, etc., pay rental for readen-tal quarters occupied by their staff and supply uniforms to the latter.

The contractors of Indian refreshment rooms pay small licence fee. The building, electric fittings, etc., together with current consumed are supplied free of charge. The licence fees are not fixed on an economic basis but on the relative importance from the catering point of view of the various stations and consistently with the policy that neither the Railway nor the contractor should make much profits but that the latter should obtain a reasonable return on his outlay to enable him to maintain a required standard of quality.

In the case of 1st and 2nd class refreshment rooms the contractors have to open them at any station as required by the administration even though (as is frequently the case) they are run at a loss. The margin of profit on the business as a whole is too small to admit of recovery of other than nominal fees.

Railway.	Stations at which 1st and 2nd class refreshment rooms are provided.	Name of Contractor.	Rental charged.	Indian refreshment rooms.	Rental charged or Licence.	Remarks.
South Indian Railway.	Madras, Egmore, Chingleput Jn., Villupuram Jn., Tiruvannamalai, Cuddalore Jn., Mayavaram Jn., Kumbakonam, Tanjore Jn., Negapatnam, Trichinopoly Jn., Maniyachi Jn., Tinnevely Jn., Shencottah, Quilon, Tuticorin, Karur, Shoranur Jn., Erode Jn., Cannanore, Mangalore, Salem Jn., Dindigul Jn., Kodakanal Road, Madurai Jn., Paramakkudi, Madurai, Virudhunagar Jn., Metturalayam, Coonoor, Ottacoondum, Ernakulam, Trivandrum Central.	Messrs. Spencer & Co., Ltd.	Rs. A. P. Licence fee Rs. 12 per year for each room.	<p> Vriddhachalam . . . Truvatur . . . Dindigul . . . Dhanushkodi . . . Erode . . . Mettupalayam . . . Shoranur . . . Calicut . . . Tiruvannamalai . . . Chidambaram . . . Negapatnam . . . Tirutrelpundi . . . Cannanore . . . Trivandrum Central . . . Quilon . . . Tinnevely . . . Cuddalore Jn. . . Karur . . . Tirupattur . . . Tirur . . . Trichur . . . Virudhunagar . . . Truvatur . . . Trichinopoly Jn. . . Madurai . . . Shoranur . . . Calicut . . . </p>	<p> Rs. A. P. Licence fee per year. 600 0 0 1,500 0 0 480 0 0 240 0 0 3,960 0 0 720 0 0 1,800 0 0 600 0 0 600 0 0 720 0 0 240 0 0 720 0 0 300 0 0 420 0 0 180 0 0 300 0 0 240 0 0 420 0 0 120 0 0 300 0 0 240 0 0 912 0 0 240 0 0 300 0 0 480 0 0 360 0 0 360 0 0 </p>	<p> A nominal licence fee is recovered from the contractors for first and second class refreshment rooms. The licence fee recovered from contractors of Indian refreshment room is, on the whole considered economic. The reasons why the economic rent is not charged for first and second class refreshment rooms are :— (a) it is essential to provide catering for passengers requiring European meals at certain points and at reasonable rates ; (b) to find a separate caterer for each point is practically impossible. The number of firms which can provide such catering together with the costly equipment necessary for the whole railway is extremely limited ; (c) in South India the number of persons travelling who require European catering is so small that no refreshment room which relied on this traffic alone could be self-supporting. </p>

Information promised in reply to part (f) of starred question No. 1237 asked by Mr. K. Santhanam on the 14th November, 1938.

CONCESSIONS AND WAGES FOR THE ENGINEERING APPRENTICES OF THE EX-"DUFFERIN" CADETS.

During the period of their apprenticeship, engineering ex-cadets of the I. M. M. T. S. "Dufferin" have to pass the terminal and sessional class examinations of the Victoria Jubilee Technical Institute, Bombay, or the annual examinations of the Board of Apprenticeship Training, Bengal, and the internal tests of the Calcutta Technical School, according as they are apprenticed at Bombay or Calcutta.

Information promised in reply to starred question No. 1549 asked by Mr. Abdul Qayyum on the 29th November, 1938.

SCHOOLS OPENED IN THE TRIBAL AREAS.

I am now in a position to furnish the information in regard to the tribal areas on the North-West Frontier, other than those under the control of Deputy Commissioners in charge of settled districts.

- (a) Nil
- (b) Number of students on the 31st March, 1938—3,787.
- (c) 3,787.

Information promised in reply to unstarred questions Nos. 126 and 127 asked by Sardar Sant Singh on the 29th November, 1938.

RECOGNITION OF THE ALL-INDIA RAILWAY MECHANICAL WORKERS FEDERAL UNION.

Unstarred Question No. 126.—(a) Yes

(b) No.

(c) Yes.

(d) Government are informed that a request for recognition made a few months back was not agreed to by the North Western Railway Administration.

(e) No: the matter is entirely within the competence of the North Western Railway Administration to deal with.

TOMBS AND MOSQUE, ETC., IN THE RESTRICTED RAILWAY AREA.

Unstarred Question No. 127.—(a) to (c). The Honourable Member is, presumably, referring to the 'restricted railway area' mentioned in the reply given to part (a) of Mr. Satyamarti's starred question No. 1090 on the 16th September, 1938. If so, Government are informed that there are no old tombs, *mazars* of Muslim Kings or mosques within this area. There is, however, a praying platform erected and maintained by the railway for the use of its employees who are permitted to use it without any restrictions.

Information promised in reply to starred questions Nos. 1977 to 1979 asked by Mr. Govind V. Deshmukh on the 8th December, 1938.

COW BYRES IN NEW DELHI.

Starred Question No. 1977.—(a) The cattle byres in New Delhi are managed by the Municipal Committee not by Government. The Municipal Committee have allowed Messrs. Keventer to use four of the eleven cattle byres as milk depots.

(b) No.

(c) No.

(d) The practice is objected to on sanitary grounds.

MONOPOLY FOR THE SUPPLY OF MILK IN NEW DELHI.

Starred Question No. 1978.—(a) Messrs. Keventer have opened four milk depots in certain municipal buildings formerly used as cattle byres and supply milk to the residents of New Delhi from those depots.

(b) Messrs. Keventer obtain milk from their own herds and from other sources.

(c) No.

(d) As the practice of taking cattle from door to door for milking is objectionable on sanitary grounds, the Municipal Committee do not propose to take any steps in the direction suggested.

MONOPOLY FOR THE SUPPLY OF MILK IN NEW DELHI.

Starred Question No. 1979.—(a) The New Delhi Municipal Committee have placed at the disposal of Messrs. Keventer certain cattle byres which are being used as milk depots. Pure milk is sold at these depots at reasonable rates. No further action is contemplated at present.

(b) Attention is invited to the reply to part (d) of question No. 1978.

Information promised in reply to part (b) of starred question No. 2052 asked by Mr. K. S. Gupta (on behalf of Qazi Muhammad Ahmad Kazmi) on the 12th December, 1938.

RAILWAY SERVANTS FAILING IN THE ORAL TEXT AT THE WALTON TRAINING SCHOOL.

The examinations which employees sit for follow refresher courses designed to keep them up to date in matters essential to their work. The Administration consider that the communication to these employees of the marks they have obtained will result in their looking upon these examinations as competitive and as justifying *per se* their being given preference over others, senior to them, whose marks may have been less.

Information promised in reply to starred question No. 2058, asked by Mr. Lalchand Navalrai on the 12th December, 1938.*

DACOITIES COMMITTED IN CERTAIN VILLAGES OF DADU DISTRICT IN SIND.

(b) There are Levy Thanas along the Sind border of the Nasirabad Tahsil and Kalat State for watch and ward purposes.

(c) Since 1935 until the present outrage there have been no serious dacoities along the border. The Kalat State authorities have captured eight and killed one of the alleged offenders, and have also recovered some stolen property and animals.

(d) Conventions have been evolved for the pursuit and arrest of offenders crossing the Sind-Baluchistan border by which the Sind Police may continue in pursuit into Baluchistan, including the Kalat and Las Bela States, under certain conditions.

(e) Yes. The Baluchistan Administration and the Kalat State have been co-operating with the Sind authorities in preventing dacoities to the extent of their resources.

(f) The existing arrangements have worked fairly well, and it is proposed to continue on the same lines.

Information promised in reply to part (a) of unstarred question No. 155 asked by Mr. H. M. Abdullah on the 12th December, 1938.

CERTAIN EXPENSES INCURRED ON THE WALTON TRAINING SCHOOL.

(a) Approximately Rs. 1,40,400 from the 1st January 1938 to the 31st December 1938.

*To be substituted for the reply to this question laid on the table of the House on the 3rd February, 1939, *vide* page 76 of these Debates.

MOTIONS FOR ADJOURNMENT.

SPENDING OF INDIAN REVENUES IN THE MILITARY TRAINING OF FOREIGNERS LIKE THE AFGHANS.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has received notice of a motion of adjournment by Mr. 12 Noon. Avinashilingam Chettiar. He wishes to discuss the spending of Indian revenues in the military training of foreigners like the Afghans. The Chair has to inform the House that His Excellency the Viceroy and Governor General has disallowed the motion on the ground that it is detrimental to the public safety.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): May I ask, Sir, who has signed that Message?

Mr. President (The Honourable Sir Abdur Rahim): "Linlithgow".

GOVERNMENT'S REFUSAL TO CONSULT THE LEGISLATIVE ASSEMBLY ON THE RECOMMENDATIONS OF THE CHATFIELD COMMITTEE'S REPORT.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has received another notice of a motion of adjournment by Mr. Abdul Qaiyum. He wishes to discuss the refusal of the Government to consult the Assembly on the recommendations of the Chatfield Committee's report. That has also been disallowed by His Excellency the Viceroy and Governor General on the ground that the motion, if moved, will be detrimental to the public safety.

INDIAN REPRESENTATION AT THE PALESTINE CONFERENCE.

Mr. President (The Honourable Sir Abdur Rahim): There is yet another notice of a motion of adjournment in the name of Maulvi Abdur Rasheed Chaudhury. He wishes to discuss the failure of the Government of India to secure representation of India at the Palestine Conference which is now in progress. Is there any objection to that?

The Honourable Mr. R. M. Maxwell (Home Member): Sir, the composition of this Palestine Conference was announced by His Majesty's Government a considerable time ago. It is of course entirely the business of His Majesty's Government and not the business of the Government of India. The real effect of this motion for adjournment would be to discuss the failure of His Majesty's Government in not giving representation to India and not the failure of the Government of India to secure representation for India. It is not our business. Leaving that point, I should like to say that the composition of this Conference and the terms of reference to it were announced by His Majesty's Government at least a month ago and it cannot be said that any alleged failure of the Government of India is an urgent matter of recent occurrence. There is no point at which any particular action or inaction of the Government of India arises which requires sudden discussion in this House. I, therefore, think that this motion for adjournment cannot be moved.

Mr. President (The Honourable Sir Abdur Rahim): Why was not notice given earlier of this adjournment motion? It was published in the Press that the Conference was going on.

Maulvi Abdur Rasheed Chaudhury (Assam: Muhammadan): Only today it was definitely known that Mr. Jinnah's request for allowing representation for Indian Muslims on the Palestine Conference was refused. Therefore, I could not send notice earlier.

Mr. President (The Honourable Sir Abdur Rahim): But that is not the wording of the motion. You say that it was definitely refused only yesterday.

Maulvi Abdur Rasheed Chaudhury: Only from today's newspapers that I have come to know that it has been refused.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): May I point out to you, Sir, that the real urgency is this? The All-India Muslim League passed a Resolution in Patna in December and that was communicated to the Government of India as well as to the Secretary of State for India. As no communication was forthcoming, I sent a telegram straight to the Prime Minister, the Secretary of State for India and the Colonial Secretary, and a reply was received by me on Saturday last when I was leaving Bombay for Delhi. The next day was a Sunday, and I was in the train. I released the telegram as soon as it was possible, that is on Monday, yesterday, and today is Tuesday. Those are the facts.

Mr. President (The Honourable Sir Abdur Rahim): Was any communication received before this from the Secretary of State as to whether India will be represented or not on this Conference?

Mr. M. A. Jinnah: I was waiting for a reply.

Mr. President (The Honourable Sir Abdur Rahim): It was not received before.

Mr. M. A. Jinnah: No, Sir. The Resolution of the All-India Muslim League was communicated to the Government of India sometime ago and no reply was vouchsafed by the Government of India as to whether they have done anything in the matter.

The Honourable Sir Nripendra Sircar (Leader of the House): The announcement of the personnel of the Committee showing that there was no representative of Indian Muslims was made after the Resolution had been passed by the All-India Muslim League. So it was well-known that in spite of this Resolution no representation was given to Indian Muslims.

Mr. President (The Honourable Sir Abdur Rahim): Was the Assembly in session then?

The Honourable Sir Nripendra Sircar: No. An adjournment motion could have been moved on the opening day of this Session, that is on Friday, the 3rd February. The Resolution of the All-India Muslim League was communicated long ago, and no reply was sent. Simply because another telegram was sent at the last moment, that could not make the motion urgent.

Mr. President (The Honourable Sir Abdur Rahim): His case is that the news that it was definitely refused was only seen in the Press today.

The Honourable Sir Nripendra Sircar: It was refused definitely when the announcement was made of the members who will constitute this Committee and that was after the Resolution of the All-India Muslim League was passed. After that they had plenty of time. Even on my friend's showing there is no reason why this notice was not given yesterday.

Mr. M. A. Jinnah: May I point out, Sir, that even after the announcement was made of the personnel of the Palestine Conference, the question of another party in Palestine was not decided till very recently. Similarly, we had requested His Majesty's Government to give representation to the Indian Muslims. How can we possibly move a motion for adjournment unless reply is given and until it is refused.

Mr. President (The Honourable Sir Abdur Rahim): As objection has been taken, will those Honourable Members who are for leave being granted rise in their places?

(More than 25 Members stood in their places.)

As not less than 25 Members have risen in their places in support of this motion for adjournment, leave is granted and it will be taken up for discussion at 4 o'clock this evening.

MESSAGE FROM H. E. THE GOVERNOR GENERAL.

Mr. President (The Honourable Sir Abdur Rahim): The following Message has been received from His Excellency the Governor General:

"In pursuance of the provisions of sub-section (3) of section 67-A as set out in the Ninth Schedule to the Government of India Act, 1935, I hereby direct that the heads of expenditure specified in that sub-section, other than those specified in clause (v) thereof, shall be open to discussion by the Legislative Assembly when the budget for the year 1939-40 is under consideration."

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadian Rural): Sir, I rise to a point of order. The Standing Orders definitely say that when the Honourable the President is on his legs, all Honourable Members must be seated.

Mr. President (The Honourable Sir Abdur Rahim): Then the Honourable Member himself should resume his seat.

THE INDIAN NAVAL RESERVE FORCES (DISCIPLINE) BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following motion:

"That the Bill to provide for the discipline of Members of the Indian Naval Reserve forces raised in British India on behalf of His Majesty be taken into consideration."

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadian Rural): Sir, yesterday evening, when the House rose for the day, I was

[Mr. Bhulabhai J. Desai.]

proceeding to refer to a matter of grave importance arising out of the innocent looking Bill which is before the House, almost less innocent than the Honourable the Mover of the motion himself. The great importance arises from this fact, that, just as in the case of the Naval Discipline Bill which was passed in 1934 by means of a side wind and without any direct legislation to that effect, now they have brought into existence a Royal Indian Navy as it is called. The object of the present move is exactly the same: that by asking this House to pass a Bill to regulate the discipline of the reservists when called and imposing an obligation on the reservists to answer summonses, the object is to create four types of royal Indian reserves which are mentioned in the Statement of Objects and Reasons attached to the Bill. The matter does not rest merely there. The House has nothing before it, and cannot have it, nor even my Honourable friend, though he had the gift of prophecy, can ever say as to the amount of expenditure on Indian revenues which would be involved by the gradual expansion of what would be called Naval Reserve. One is led to suspect borrowing the language of Sir Thomas Stewart, who when he ought to say "judge" always says "suspects"; one is led to suspect, that even without being a stratagist or understanding anything of military manœuvres, it is perfectly obvious to the judgment of a common sense man that with Gibraltar almost threatened to annihilation as a port of refuge, and Suez being not quite safe as a result of the Palestine raids, Singapore and India and London would perhaps now be connected by the only link between the two which is to be created in the Indian Ocean, and if that is the object, it is perfectly obvious what possibilities of immense expenditure under the plea of the defence of India would be incurred and could be incurred by the creation of this reserve. It is not merely as if the reserves are there or were there, and any question of discipline arose so that some legal sanction was necessary in order that their future conduct may be regulated. But, as I submitted to the House, I emphasise the point that, just as on a previous occasion the expenditure, on what is called the Royal Indian Navy, was almost made an obligation on the Indian revenues by an innocent Bill to regulate the discipline of what did not then exist, but what was brought into existence under the ægis of the law of discipline, a similar insidious effort is being made in the direction of the expansion of this particular class of service. That, Sir, is a matter of grave importance so far as this House is concerned. We have complained in this House, at all events during its present life and also before, judging by the trend of the discussions that have taken place, that the expenditure on the defence of India, though it was not then admitted, is all now under one form or the other really an expenditure incurred for the defence of the empire at large. We used to make that point with reference to the British element in the Indian army and it took many years for them to frankly admit, and ultimately it is to be found in the report of the committee presided over by Lord Dunedin in which the two Indian members made it quite plain that it can no longer be contended that the army is not being maintained, the British element at all events, for the purpose of what is called empire service,—a reluctant admission after a long period of time when for a long time it used to be a shibboleth here that it was necessary for internal security and protection against external aggression from Russia which was the one excuse being given all the time.

One begins to see that the object of this innocent looking Bill is no less important from their point of view of the empire service. They may be right or they may be wrong, but so far as India is concerned, they are not prepared, by giving any support to a measure of this kind, to incur another unanticipated amount of expense which would be added to from time to time on the ground that India has an immense open coast-line to defend. If hitherto it could be done, it is a somewhat serious consideration to find out what change of circumstances has required the present requisition; and it is that which takes one back to the change in the world conditions with which everybody who reads even an ordinary newspaper is sufficiently familiar. I, therefore, submit respectfully to the House that it would be accepting a burden which I trust, so far as the Indian revenues are concerned, nobody will be here to argue and shoulder any more if this particular base is required to be strengthened by reserves in order that the empire, at all events the eastern part of the British Empire, may still be safe from aggression either from the east or from the west. We, therefore, feel, Sir, that we cannot lend our support to a measure of this kind.

There is one other consideration which also I should like to place before the House, and it is a thing of serious consideration so far as the non-official Members of the House are concerned. And that consideration arises from the manner in which this House is being treated and treated day after day either in regard to their Resolutions intended to find out or recommend policies by means of which the defences of India might either be strengthened or a saving could be made, or more economic methods or more friendly and peaceful methods of dealing with outsiders and our neighbours may be done. Not only that, but you have had an illustration this morning in the message which you read out as to the disallowance of the motion which stood in the name of my Honourable friend, Mr. Avinashilingam Chettiar. We had information that Afghans were being trained in India in the army. There was no denial that it was being done; but when we propose to go further and find out at whose cost, for what purpose and with ultimately what objective this is being done, it is said that it is not in the public interest to give any information on that score. And one can, without really straining one's memory, multiply such cases and give numerous instances in which such answers have been given. I recollect, only yesterday, when the Defence Secretary was asked whether the policy in the matter of training in artillery had changed, he bellowed out, "The policy of Government has not changed." If this is the way in which Government are treating us in the matter of what they do, whom they recruit, how their measures are being carried out and what expenditure they propose to incur and what is the manner and method of recruitment, the secrecy that is maintained is of a nature that is not consistent with even the slightest respect or deference for those taxpayers whose representatives the non-officials and the elected Members are. And if this is the way in which we are being treated, we must leave it to the same irresponsible Government to find out ways and means of implementing their own ideas so long as they continue to govern in that irresponsible way. We, therefore, feel, Sir, that the Bill which is before the House is fraught with dangers so far as expenditure is concerned which we cannot possibly estimate and fraught with policies over which we have no control and into the merits of which we are never taken into confidence, not even on an oath of secrecy of such Members on this side of the House whom they can trust. If this is the way in which we are

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asked to support what they, in their own interest and for their own purposes, wish to do, this side of the House declines to support such a measure. Sir, I oppose the Bill.

Mr. J. D. Boyle (Bombay: European): Sir, I have listened with great attention to the speeches that have been made by the Defence Secretary, and by my Honourable friends, Mr. Asaf Ali and the Leader of the Opposition. I listened with particular attention to the speech of Mr. Asaf Ali because I realise that he has, for many years, devoted special attention to this question of defence and because I realise too, from the very slight personal acquaintance that I have with him, that he has a very earnest desire to help and to be constructive. But,—and I must admit that it is a big “but”,—in this case I am afraid I cannot find anything which I can readily support in the speech which he made yesterday. In that speech he made a general survey of the attitude of his Party towards the whole question of defence and he sketched, particularly, the outlines of the policy of his Party. That is a policy with which one may or may not agree. Personally I do not, but I maintain that for the purpose of this debate that is completely immaterial. This is, despite what the Honourable the Leader of the Opposition has said, a very simple Bill and I do not see how it can be argued that it in any way impinges upon major questions of policy. It deals exclusively with the discipline of the naval volunteer reserve forces. It is a straight question of whether you think that there should be such discipline or not. No other issue is involved and I would ask the House to be very careful not to be misled by any statements as to the implications of what they are doing, if they do not vote for the Bill. It is no use anybody, whatever his position in the House, saying that if you vote for this Bill you are, for instance, supporting the whole of the defence policy of the Government of India. That is quite definitely not the case. You cannot be asked to vote on anything except what is before the House at the moment: and what is before the House at the moment is the question as to whether there should be discipline in the volunteer reserve forces or not.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Where are those forces?

Mr. J. D. Boyle: It is for the purpose of raising those forces that this Bill has become necessary.

An Honourable Member: Is not that a matter of policy?

Mr. J. D. Boyle: Before I move on, I want to touch on one point on which both Mr. Asaf Ali and the Leader of the Opposition touched. That is in connection with the composition of the Indian Sandhurst Inquiry Committee on which both touched. I realise that I am on somewhat dangerous ground because it may be said that I am now becoming as immaterial to the question as I have claimed that they have been. But Mr. Asaf Ali touched on this and I do not think I should pass without making some reference to it. My Party feel that it is indeed a great pity that at a time when it is vitally necessary that Government should have the support and the sympathy and the goodwill of the country in its defence schemes, that

they have been unable to enlist the support of the elected Members of the Legislature. My Party have always evinced a very special interest in this question of defence, and yet they were not consulted at all in the question of the composition of that committee. I have one other point to make in this special connection and that is that my Party too have felt for many years that it was necessary that some channel of information should be opened up by which the public could get some information on the national defence of their country. We felt that it was not only necessary but their right as citizens of this country as we all are. That is still the case today; and while I do not say that I think that anything in the nature of secrets should be given away, I do feel, if I may repeat the words of a previous speaker from my Group in a debate in the past, that if we could only know as much as any foreign observer in this country can know and repeat to his own country, it may very well re-orientate the whole opinion of the country towards questions of defence.

Now, I should like to move on to one point on which my Honourable friend, the Leader of the Opposition, caused a certain amount of amusement yesterday. It was in reference to conscription, and in particular to the remarks of Sir John Anderson. I must admit that I extracted a certain amount of quiet amusement from them myself. But how the question of conscription is germane to this Bill I fail to see. Conscription does not enter into it. This is a question of volunteer reserve force. You need not join if you do not like. There is no possible compulsion on you to join. If you do join you join knowing the terms of service with which you will have to comply. If you do not like those terms then do not join. But if you do join, it is clear that there must be discipline in the force which you join. What, for instance, is really the point of a reserve force? It is obviously a force which will take the place of a second line of defence in the case of an emergency and Government trains and pays those reservists to do a certain duty at a moment of emergency. What possible use can such a force be to Government if, when that emergency arose, it is optional to the members of that force whether in fact they will do their duty or not. It is clearly of no use whatsoever. If you have a naval reserve force at all, then you have got to have discipline within that force. I would ask Honourable Members in considering this Bill, therefore, not to be led away by long statements on the subject of the general policy towards defence of the Government of India but to confine ourselves to the immediate issue that is in the Bill. Just as the army has an army reserve, so the navy has a naval reserve, and if you have a naval reserve at all, it is clear that there must be discipline in it. If you believe that there should be discipline in it, I can see no option for your doing anything but what my Party proposes to do, and that is to support the Bill.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadian Rural): Sir, I have heard with some attention the speech of Mr. Boyle of the European Group. He has emphasised that the object of this Bill is only to provide for discipline for the naval forces. That is perfectly right in so far as the title of the Bill goes. The title of the Bill is—to provide for the discipline of members of the Indian Naval Reserve Forces raised in British India on behalf of His Majesty. Of course, it is a very innocuous measure if that is the real object of this Bill, because there is hardly anyone who can be so perverse as not to give his assent to the

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principle of discipline in the military department. There can be no controversy about the principle of discipline. But the whole question is, is that the real object of the Bill? If, from the title of the Bill, we go to the Statement of Objects and Reasons we find something quite different. That statement does not begin with anything like discipline. It begins:

"In order to provide the additional personnel required for purposes of local naval defence, it is proposed to create the following Naval Reserve forces in India."

That is obviously the main purpose and object of this Bill. It has been emphasised that if you have a military or naval reserve you must have discipline. Nobody questions that. But as has been asked from this side of the House, where is that force? You are placing the cart before the horse. First have a reserve force and then speak of discipline. Therefore, it is perfectly clear that the object of this Bill is not so much to provide measures for discipline as for the creation of an additional personnel and the creation of reserve forces which are non-existent now. Sir, there is more in this Bill than appears on the surface. It is absolutely misleading and intended to rope in an unwary Legislature, and as has been said, it is practically a measure for conscription. I should think there is a deep laid scheme behind this Bill, a scheme for virtual but veiled conscription.

Then, what is the purpose of all this? Of course, the reserves will be created, additional personnel will be created, but what is the purpose, may I know? We find, Sir, in the Statement of Objects and Reasons the purpose is mentioned, and it is 'for purposes of local naval defence'. The question then arises, what is the meaning of that expression—'local naval defence'? Is it for the protection and defence of the Indian ports, of the Indian shores? Is that the meaning and object of local naval defence? Or is it to protect Indian shipping in Indian harbours or to protect the Indian sea-borne trade in Indian waters? What is the meaning of this expression 'local naval defence'? Does it mean the defence of India or the defence of the Empire? I should like to ask the question to Mr. Ogilvie—what is the real object? It is a *bona fide* scheme of naval development of India? Is it for the purpose of the naval defence of India? He nods his head. . . .

Mr. C. M. G. Ogilvie (Defence Secretary): Yes.

Mr. Akhil Chandra Datta: Very well. Then may I invite his attention to another thing? It is in the title portion of clause 1, sub-clause (2), and there it is said: 'It extends to the whole of British India, and applies to members of the Indian Naval Reserve Forces wherever they may be'. Again, in clause 5 we find this ". . . to attend on board any vessel or at any place for the purpose of undergoing training' and so on. Again, in clause 6, we find ". . . is called into actual service in the Royal Indian Navy" and "required to join any vessel or attend at any place"—at any place may mean any place under the sun. Therefore, Sir, the whole thing appears to be very mysterious, and our suspicion is enhanced by another thing. In the Statement of Objects and Reasons in paragraph 2 (b) we find this: "to impose on members of all four Reserve forces a legal liability to serve in the Royal Indian Navy, or to join any ship, or to perform any service for which members of these forces are intended or liable whenever

called into actual service". What kind of service they will be called upon to perform is also kept a mystery. Sir, in clause 3 we are giving a blank cheque to the Executive. From all this, it is obvious, Sir, that this is not a *bona fide* measure for naval defence, but it is only an attempt to make some preparation for the coming war in the interests of the Empire, and therefore, Sir, we cannot be a party to this kind of legislation. Sir, I oppose this motion.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Sir, that there should be differences of opinion between the Government and the Opposition in any democratic country is but natural. In India, unfortunately, those differences have assumed a shape which, to put it very mildly, is most regrettable. We know that, having regard to the circumstances in which the constitution of this country was framed first in the Act of 1919, there were sharp differences of opinion between the Government and the elected Members ever since the beginning of 1921. Those differences have developed into a complete estrangement between the Official Benches and the Opposition. Sir, during the time that I spent in South Africa, I made it my business to study the working of the constitution in that country. I found that in important questions, especially on questions relating to the defence of the country, the Government made it their business not only to consult the opposition, but always to take the opposition into confidence. That has been so far as I know, Sir, the practice of all powerful and important States throughout the world during recent years in view of the unsettled condition of affairs. Every Government, especially on questions relating to defence, wants to take the opposition with it as far as possible. We know, Sir, that His Majesty's Government in England, whenever they want to devise any new measures relating to the strengthening of the defence of the country, call upon English people to co-operate more closely with the Government of the country. Indeed they go to the opposition and try to secure its co-operation. But, Sir, unfortunately,—and that is a most disturbing factor,—the way the Government have treated the Opposition or the elected Members does not seem to auger well for the future harmonious relations between the two.

My Honourable friend, Mr. Bhulabhai Desai, took the Defence Secretary, Mr. Ogilvie, to task for certain answers that he gave yesterday. Sir, I for one would be the last man to blame Mr. Ogilvie for his answers. After all, Mr. Ogilvie is a permanent member of a permanent service. It is not Mr. Ogilvie, let us not forget.....

Mr. Bhulabhai J. Desai: I said the Government of India's policy has not changed. I have no quarrel with Mr. Ogilvie as Mr. Ogilvie; I never had any.

Sir Syed Raza Ali: I am glad to know that. I won't go into the question further, but my Honourable friend, Mr. Bhulabhai Desai, did more than that. Anyway, I would not refer to the matter further; that was not very pleasant so far as I could see. Sir, our difficulty, our misfortune is that the defence policy is formulated,—it may be by His Excellency the Commander-in-Chief with the help of his military advisers or finally laid down by the Government of India—without any reference to the wishes of either the people or the representatives of the people. That is where the real trouble lies. It is not necessary to criticise individuals in

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this respect. The Bill that is before us is an important Bill in so far as it proposes, in future, to subject the Indian revenues to additional expenditure. What was expected of the Official Benches, representatives of the Government, to do on a question of this character? They know, having regard to the constitution under which we are working, that the defence budget is not put to the vote of the representatives of the people. It is not the representatives of the people that are responsible; they are not associated even in a very remote manner with laying down the policy of the Government with regard to defence and they are not in any way connected with sanctioning the defence expenditure. In the circumstances, and I say that, especially having regard to the fact that His Excellency the Viceroy has recently referred in more than one of his speeches to the importance of the inauguration of Federation at an early date,—having regard to that, I submit that the wisest course for those responsible for this Bill would have been to take at least the Leaders of the Opposition into confidence. It was their duty to invite Leaders of the Opposition and to disclose to them their scheme. It was the duty of the Government to tell them the circumstances, or even if the Government are having any difficulties, to disclose to them the difficulties which were being experienced by them and to have invited them to advise the Government on the question. The world is in a very unsettled state. Every country is talking of appeasement. All honour to Mr. Chamberlain (*A few Honourable Members*: "Oh!") for having undertaken a number of visits to Germany and to Italy in order to promote the interests of appeasement. Some of my Honourable friends may not agree, but I do repeat, all honour to Mr. Chamberlain for having gone to that length. But what are the Government of India doing in this very country to secure the goodwill of the people of this country? Let us compare their attitude with the attitude of the patriotic Englishman who, in spite of his old age, subjects himself to the inconveniences of travel by air. Travelling by air for a man of the age of 70 years and over certainly does involve inconvenience, but to extend an invitation to Mr. Bhulabhai Desai or to Mr. Jinnah and the Leaders of other Parties only involves the inconvenience of dictating three or four letters to your stenographer. It does not involve any further inconvenience than that. I say this having regard to the appeals that are made to the people of India to accept the scheme of Federation—I say it is the duty of the Government to do all they can to secure the goodwill of the people of this country. Whether Federation will be inaugurated or not is on the knees of the Gods. Nobody knows whether it will ever be inaugurated, and, if so, when. But, surely, it cannot be that all of us will find ourselves one fine morning ready and prepared to work a scheme of reforms in the Central Legislature. For that we have to prepare. What is the preparation that has been made and what is the earnest of the desire to co-operate with Indian public opinion that has been evinced by the Official Benches? If any scheme of reforms is to be a success

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to address himself more to the Bill. The question of Federation does not arise now.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): It will never arise.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is straying too far from the subject.

Sir Syed Raza Ali: I was referring to the question of Federation only by implication. My point simply was this that the atmosphere which must be present in India for the working of any constitutional scheme is totally absent. My point was that the attitude taken up by the Government now is this. They have come forward with this Bill for which none of the Members on this side of the House is in any way responsible. This Bill has been drafted, I suppose, carefully but in secret. The effect of the Bill is to subject the revenues of India to an additional charge. Not only that, but even the rules which are to be made under clause 3 will be made by the Central Government without any reference to this House. In the circumstances, can the Official Benches say that they are surprised at the attitude displayed by this side? May I put it to the Official Benches, and especially to my English friends? May I ask them this? How would they have voted and what would they have done and how would they have received this Bill if they were sitting on this side of the House in our place and we were sitting on the Benches on the other side? If we had brought forward a Bill of this character without consulting the people in the remotest manner, would it not have met with the stoutest opposition on their part? I suppose that is a very fair test to apply. So far I can see, there does not seem to be any difference of substance between the Congress and the Muslim League on this Bill. But our Party is not ashamed of co-operating with the Government of India, provided that co-operation is sought on honourable terms. Now, if the terms that are offered to us are these—"This Bill has been drafted and here it is. Never mind what the Bill says. Never mind what the character of the financial proposals involved is. Never mind if the rules that are to be made in future are not to be referred to the representatives of the people. You have to accept it because we, the Government, think that it is in the interest of the public that a Bill of this character should be put on the Statute-book"—then my reply is: "Thank you; but in the circumstances we are unable to offer our co-operation to you on your terms". This is what I say in reply to the short speech made by Mr. Ogilvie. I do not think I should anticipate what is going to happen to this Bill under certain contingencies. All I can say is that I was rather disappointed with the speech of my friend, Mr. Boyle, made a little earlier. I must say that more is expected of the European Group in this Assembly than is perhaps realised by them. They are a highly organised Group. They know how to conduct business and I suppose that instead of taking the half-hearted attitude in support of the Bill that Mr. Boyle took, the courageous attitude for the Party to take would have been to ask the Government what justification it had for introducing a Bill of that character without consulting, if I understood Mr. Boyle correctly, even the representatives of the European Group.

Mr. J. D. Boyle: All I said was that we were not consulted in connection with the composition of the Sandhurst Committee. I never said anything in connection with this Bill.

Sir Syed Raza Ali: I am thankful to Mr. Boyle for the explanation. We would very much like to know whether the European Group or any of its representatives were consulted before this Bill was framed.

Mr. J. D. Boyle: I do not think that any Government consults the public in advance about its legislation before it is introduced.

Sir Syed Raza Ali: I am both glad and sorry that the European Group was not consulted. I am sorry that even the Europeans who used to have a certain privileged position in the country are not taken into confidence by the Government now. I am glad that they are able to realise the irresponsible procedure adopted by Government with reference to this Bill. Not only is no confidence reposed in us but you are no better treated. That shows the deplorable condition to which the measures for the defence of India seems to have fallen at present. These are some of our difficulties. I certainly would be anxious to hear from the Official Benches as to what they have got to say in defence of their policy for totally ignoring the representatives of the people and proceeding with this Bill in a most arbitrary manner.

Mr. M. A. Jinnah: Sir, I would like very shortly to draw the attention of the House to the history of this Bill. For the moment I am not concerned with the origin and the history of the creation of the Indian army. It is a matter of long standing, but so far as the Indian navy is concerned, it was created in the year 1927 by an Act of Parliament, and, immediately after the Navy was created, we were presented with a Bill by the Government of India for the purpose of discipline. At that time the House considered the question very carefully and gave its verdict and rejected the Bill. It is no use saying "Why are you creating this dust to this extent that the entire policy of defence has got to be considered however objectionable it may be." But we have to consider that the creation of the Navy took place in 1927, and since then much water has flown down the Hughly. Now, this Parliamentary Statute comes to this—that the control, administration and everything which matters to the Indian Navy rests with the Admiralty and the British Government, and, in the debate on that Bill in 1927 in Parliament, be it said to the credit of some Honourable Members there, they protested against it and attacked the Government virulently. I will just read to you some of the words which will convey to you a better idea than I can give. This is the gist of what they said. I am quoting from my own speech, but the quotation is really from "Hansard".

"You are passing this Bill." (*That is, the Bill before Parliament*). "If this Bill is enacted into law, the position will be that an Indian Navy will be created and that the entire burden of the maintenance and administration of that Indian Navy will be borne by the Indian tax-payer and yet the Indian Legislature will have no voice in the control of the Indian Navy, financial or otherwise. It will have only the privilege to pay for it, the budget being non-voted."

Now, Sir, I ask—it is no use my asking the Government, nor is it any use my asking my Honourable friend, the Defence Secretary; he is only an instrument and he has got to carry out orders. But I do ask my European friends and Mr. Boyle that this was the position created in 1927, and do you think that in 1927 that position ought to have been approved of by us? Therefore, the first ground and the fundamental ground is that we do not wish to be reduced to the privilege only of paying for it when even that part of the budget is not voted by us. And do you blame us?

Now, let us go further. This was in 1927-28 when we rejected that Bill. After the Bill was rejected, the Government waited until they were in a position to get a personnel of this Legislature more amenable, and more

pliable, and they passed the Navy Discipline Bill in 1934 to which the Leader of the Opposition has referred. Of course, I am told that many of the Members opposed this Bill even in 1934. I know; I followed the debate; it was a very large body of opinion in this House that opposed that Bill tooth and nail, but anyhow it was carried. Now, there is one more thing which I wish to bring to the notice of the House. What is the position with regard to the Indian Navy which has been created? And what will be the position with regard to the reserve forces which are now under the contemplation of the Government to be created? The Admiralty and His Majesty's Government will utilize these naval forces in any part of the world, or for any purpose they choose, provided they get the vote from both Houses of Parliament, and they can use this Navy for any purpose they like. We have no voice, no control, over either the raising of it or the using of it. That is the position which will be brought about. Do you think that we are wrong in resenting, in opposing and in condemning this policy of the Government?

Now, we come to the immediate proposal of the Government. Mr. Boyle is a business man and he says, "it is a pure matter of discipline; do you want discipline or you do not want discipline?" Well, I can assure him that I am a great believer in discipline. But have you really appreciated or understood this Bill—I ask the Honourable Member. What is this Bill? Well, we have got the Indian Navy, but now it is suggested we are to get four other forces which are under contemplation that they might be created,—that is, the Royal Indian Fleet Reserve, the Royal Indian Naval Reserve, the Royal Indian Naval Volunteer Reserve and the Royal Indian Naval Communication Reserve,—some of which, when created, will not be governed by the Act of 1934. Hence the amendment is sought. But where are those forces? They are to be created. By whom? I ask my Honourable friend, Mr. Boyle, by whom? By the Governor General in Council. Who will make the rules? The Governor General in Council. When? It will be created afterwards. How will it be constituted? What will be its constitution? We do not know anything about these matters. Now, I ask, Sir,—can you expect anybody to support a Bill of that character? The callousness, the indifference, the nonchalant manner in which this Bill is presented to this House is clear to everybody. The Honourable the Defence Secretary on behalf of Government says, "I move that the Bill be taken into consideration", and, then, "I move that it be passed". Surely, I do not want really to go into the actual sections, but I do appeal to Mr. Boyle, and if I can convince him, I hope I am not appealing to him in vain, that he is free to walk into the lobby with me—I see I do not get an answer from him.

Mr. J. D. Boyle: I do mean to cross swords with a clever cross-examiner.

Mr. M. A. Jinnah: I only appeal to the European Group that if I can convince them and if they think I am right, then walk with me into the lobby. I am sure, my friend, Mr. Boyle, will have the sense of fair play. Otherwise you create an impression that you have spoken beforehand without being consulted, and that whatever the Government bring up before this House, well, your support is taken for granted,—except, of course, when your interests are concerned. Even then they may sacrifice, but they make a bargain. When it comes right up to the neck, they make a bargain. I do appeal to him that here is the test,

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and I hope he will consider it. I do think that Mr. Boyle has not really applied his mind to the clauses of the Bill. These forces are not in existence to begin with. Who will create these forces? The Governor General in Council. Who will lay down the rules? The Governor General in Council. We know nothing about them.

An Honourable Member: Who else?

Mr. M. A. Jinnah: I will give you the reply with great pleasure. Apart, from my fundamental objection, namely, that the Naval forces and the Reserve forces will be under the control of the Admiralty and the British Government under the Parliamentary Statute, I would have certainly expected the Government, if they wanted to create these forces, to put before the House a definite scheme of those forces and to take this House into their confidence. They ought to have told us that these are the Reserve forces that they wish to create and these are the rules that they propose to frame, and then they could have got their whole scheme ready. That would have been a justifiable course for them to adopt. They could then have come up with a Bill saying that now that we have placed our cards on the table for the creation of forces that we want, here are the rules which we propose to frame for the purpose of their discipline. I admit that every organisation must be regulated by some disciplinary rules. But Mr. Ogilvie, the Defence Secretary, has not given us the slightest inkling of any kind, and the only thing we are asked—and I say this to the Honourable Member who put the question to me—is to definitely provide for penalties, and nothing else. If a man enlists himself as a reserve, and if he does not answer the call, he is to be fined Rs. 200. If a man has enlisted himself as a reserve, and, then, when called upon for active service, he does not respond, then he gets an imprisonment of two years. That is the whole of this Bill. There is nothing else in it. I can only say that it is only in this country that a Government can act like this. There is no question of details about this Bill at all. That is the true position.

Now, a word about the attitude of this Government. Sir, I do not wish to make complaints that the Government have misbehaved in this direction or that direction. That is the every day occurrence, and what is the use of my trotting out instances of that kind. I am glad that my Honourable friend, Sir Raza Ali, who has come back to us after a long absence, appreciates our troubles which we have been suffering from for a long time. Therefore, it is not possible for us to give our support to this Bill. It may be that our grounds are different from some other Groups of Parties in this House, but the conclusion is the same.

May I point out, in conclusion, that in this House Government have 25 official Members in the first instance. It is the easiest Party to run, because they have no soul and they have no voice. They are simply to obey the orders. Therefore, it is the easiest Party to run. Then, we have got another Group which sits next to Government, the Nominated Honourable Members. I sometimes feel sorry for them, but they also are tied down simply because they look upon the Government as their constituency.

Sir Abdul Halim Ghaznavi: Except one.

Mr. M. A. Jinnah: I am not talking of exceptions now. I am talking generally. Perhaps he is under less restraint than the others; he is a little more bold than the others. He can always take shelter under this that he represents labour. But it is, in fact, true that they are entirely under the Whip of the Government. And then comes the next Group, whom you have not even to consult. They are always ready to support you except when the shoe pinches at home.

Mr. F. E. James (Madras: European): What about the next Group?

Mr. M. A. Jinnah: Let me finish.

Therefore, you have straightaway a solid Party which is the easiest Party to manage of at least 50 Members. Now, is it not an irony of fate that on a vital and important matter like this Government cannot win over any other decent section, or a Group from elected Members on this side of the House? All I can say is this: carry on, carry on.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Maulvi Abdur Rashheed Chaudhury (Assam: Muhammadan): Mr. Deputy President, I should like to oppose the consideration of this Bill on three distinct grounds. My first reason is as my Honourable friend, Mr. Asaf Ali, said that as the Government of India are non-co-operating with us, we must retaliate. So far as this Department is concerned, we, Indians have had no voice in the past. We cannot influence this department to the best interest of India. We had no hand in the organisation and working of the Indian army and navy. That was the case in the past and the same is the case at present and so far as the future is concerned, we see that we will have no voice. Although the Government of India are spending half our revenues on the military expenditure, we cannot say a word, we cannot vote a pie for the defence of our country. It may be said that the Indian army consists mainly of Indians. It is true that a majority of subordinate personnel of the Indian army and navy are Indians. But their function is a subservient one. First of all they get very low salary compared with the salary which the Tommies of the British army of occupation get here. Our officers occupy a subservient position and they have to work under the command of British officers. The Indian personnel cannot formulate the policy for the defence of India. They are subservient to the whims of their supermen, the British officials and the British personnel in the army. That being the case, we may say that they are simply hewers of wood and drawers of water so far as their position in the Indian army is concerned. That was the case all along. This House had a little voice formerly in voting a small portion of the expenditure of the army. Even before the Government of India Act, 1935, had fully come into force, the Government in their overzealousness took away the right of the Assembly to vote that small portion of expenditure last year. We resented it and threw out the Finance Bill last year to show our resentment. So, Sir,

[Maulvi Abdur Rasheed Chaudhury.]

as the Government are not taking us into their confidence so far as defence matters are concerned, we want to say that we have nothing to do with them and that we will not help them in passing this Bill.

The other point is this and it has been touched by the Honourable the Leader of the Opposition and by the Leader of the Muslim League. On account of war clouds hanging in Europe which may burst out into torrents at any moment, the British people have become helpless. They know full well that they are nowhere so far as defence is concerned. They know that the safety of their Empire is at stake. Their base at Gibraltar is gone, their Malta has vanished practically. Spain is in the hands of Italians and Germans and you may rest assured that the volunteers of Germany and Italy will leave no stone unturned till they have destroyed the British Empire. In this desperate position, the Britishers are now trying to evolve a scheme to make a naval base in India for the preservation of their Empire. The preservation of the British Empire means the continuation of the subjugation of India. So, we are opposing the preservation of the British Empire in its present form. They want to create a naval reserve force in India. They want India to be bled white. They will take away all our money. They will bring their own officers on fat salaries to man these naval reserves. They will also take our men to any place they like throughout the world. We have got no voice in the defence of our country and in the matter of recruitment to the naval reservists also we will have no voice. So we must tell the Government that we do not want the British Empire in India. The sooner it is destroyed in its present form the better for India. As I said the preservation of the British Empire only means the continuation of the subjugation of India, I must make my position clear. If the Government tries really for the benefit of India to create a navy, manned by Indians—both among the subordinate ranks and officers ranks—then I will be second to none in my enthusiasm to approve that scheme. But there is no sign or gesture from the Government yet that they are doing anything for the benefit of India. So we must oppose the consideration of this Bill.

Coming to the Bill itself, I find that it is a most lawless law. You find under the Bill that magistrates will try cases, but what will be the sort of evidence? Not under the Evidence Act. The magistrates will not sift evidence under the Evidence Act for which they have got training and for which they have got experience. There will be a sort of new Evidence Act for the trial of these cases under clause 6. That is to say an officer will certify that the man did not attend the call and, therefore, he is to be punished and the magistrate is bound to pass a sentence of punishment on the man. It is an anomaly for which I do not see any justification. Now, if the Government really want that recruits should be punished according to their own sweet will, why should they send them to a magistrate at all. Why not finish it with court-martial as they do at present? What is the use of bringing in a magistrate in this case? It is an anomaly which Government only can explain and not others.

Then, Sir, in clause 3 we find that the Central Government will make rules for the government, discipline and regulation of the Indian Naval Reserve Forces. If the Central Government is going to be so supreme

in these matters why do they ask the sanction of this House to pass this Bill? Why not manage everything with rules as you are doing at present? Why do you bring in the Legislature and ask our sanction? If you want the sanctity of the Legislature you must have your rules approved by the Legislature, otherwise it is meaningless.

Then, Sir, there is a funny thing in it which I will mention. So far as the Bill is concerned it does not say for what purpose this naval reserve force is to be created, but in the Statement of Objects and Reasons I find a small thing:

"In order to provide the additional personnel required for purposes of local naval defence, it is proposed to create the following Naval Reserve forces in India—"

If it is really the intention that for local defence this naval reserve force is wanted why do you not put it in the body of the Bill itself? The mere fact that you do not put it in the body of the Bill creates a suspicion that you do not want this force to be used for local defence of India. You want some pretext or other to have these naval reserve officers appointed, but as soon as they are there you will use them for your own purposes. If there is a war in America you will use them there because you will say that if you do not fight America will invade India and so it is for local defence. If war breaks out in Japan you will take them there, because, you will say, otherwise Japan will invade India. So for the benefit of your Empire you are creating this, and this is not in the interest of India, as I said before.

Sir, I oppose this Bill.

Mr. S. Satyamurti: Sir, my Honourable friend, the Leader of the Opposition, and my esteemed friend, the Leader of the Muslim League Party, have stated the case against this Bill completely. I merely want to draw the attention of the House to a few points, in order that the vote on this Bill in this House may not be misunderstood, and may be understood in the sense in which we want that vote to be understood. Nobody in this House says that there should be no defence forces for India. Situated as the world is today, we do want defence forces. Nobody says that, if there are defence forces there ought to be no discipline in these defence forces. We accept both these positions, but we claim and we demand that these defence forces ought to be Indian in personnel, in administration, and in control, and that they ought to be used only for the defence of India first and for the defence of India last. So far as this Bill is concerned, it deals with forces which are non-existent. I draw the attention of the House to the Statement of Objects and Reasons which begins like this:

"In order to provide the additional personnel required for purposes of local naval defence, it is proposed to create the following Naval Reserve forces in India:

- (i) Royal Indian Fleet Reserve.
- (ii) Royal Indian Naval Reserve.
- (iii) Royal Indian Naval Volunteer Reserve.
- (iv) Royal Indian Naval Communications Reserve."

Now, Sir, I should like some enlightenment from the Honourable the Defence Secretary as to what is meant by the phrase "purposes of local naval defence". For, when you read the actual clauses of the Bill, you find that these forces when they are actually enrolled may be called into service in any part of the world. How far this phrase "Local naval

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defence" will be construed in practice as to mean the sending of these forces all over the world in order to protect the far-flung interests of the British Empire, one does not know. Then, Sir, it is said in the Statement of Objects and Reasons:

"Only the Royal Indian Naval Volunteer Reserve will, on formation, be subject to the provisions of the Indian Navy (Discipline) Act, 1934."

Therefore, they want legislation to govern the reserve forces of the other three categories. The question has been asked,—and I repeat the question because that is what disturbs most Honourable Members on this side of the House,—what is the personnel of this force going to be? What is the extra burden to the Indian exchequer? On that matter, Sir, we find that today in the so-called transitional position, we are in a worse position than we were under the Government of India Act of 1919. Under that Act, till last year, a portion of defence estimates relating to what was known as the Defence Secretariat was placed before the House for its vote. Since last year, taking advantage of section 238 and not taking advantage of section 34 of the Government of India Act of 1935 which is said not to have come into effect, they have taken away from this House the right to vote a single pice towards defence directly or indirectly. As a protest against that the bulk of the opposition in this House,—I believe all opposition parties in this House,—refused to take part in the budget discussion or vote on the demands on the general budget last year. That position has been reaffirmed in the message which was read out to us this morning from the Governor General throwing open only to discussion all the various subjects except the Crown Department, and not throwing open to vote any other subject including Defence. Therefore, the position remains that while till last year this House had and fully exercised the opportunity of discussing and voting on the Defence estimates, pressing what the Party led by my Honourable friend, Mr. Jinnah, always took as their special contribution to the general voting on Demands, namely, the Indianisation of the army and general army problems, this House has been completely deprived of any opportunity of expressing its opinion or giving its vote on the Defence estimates. That is the background, from which I want this House to look at this Bill.

Then, Sir, so far as the extent of these forces is concerned, we have no information given to us, and, so far as the cost is concerned, we have no information given to us. And from our knowledge of the working of the Defence Department in this country we are convinced,—I feel I am speaking of every Indian elected Member of this House,—that the Defence Department of the Government of India is a very subordinate branch of the British War Office and the British Admiralty and the British War Office. They are the people who call the tune, and we have got to pay for it, and they decide the policy, the extent, and the purpose for which the Indian defence forces are to be used. Sir, my Honourable friend, the Leader of the Muslim League, said, "As for the misbehaviour of Government it is a daily occurrence, why bother about it"? But I want to lend point to the opposition to this Bill, by drawing the attention of the House to the next two or three points. The Chatfield Committee has been appointed by His Majesty's Government for the purpose of assessing how much relief shall be given to the Indian taxpayer on account of Indian defence expenditure. That committee came,

it took some evidence, and has reported to His Majesty's Government. We asked the Defence Secretary whether he will take this House into confidence, consider the opinion of the House on their recommendations, and then make representations to His Majesty's Government. His laconic and final answer is: "No. We will not consult the House as to the recommendations of the Chatfield Committee". On top of that, we have the Indian Sandhurst Committee on which both the Muslim League and the Congress Party have refused to serve, because, in spite of the vote of the House which the Government dared not challenge, they have ignored the decision of the House that there should be an Indian elected majority on that committee; and when we send in an adjournment motion that is disallowed—and here I want to say that this phrase of disallowance by the Governor General is a mere farce. The fact is that the Defence Secretary disallows it. After all, the departments concerned advise the disallowance: they want to sit in a shell by themselves, and they want us to do nothing, but merely vote for their bills and for such monies as they want. I do suggest it is not a question of anger: it is not a question of non-co-operation. It is a question of treating this question from the most relevant point of view. You wish to treat us merely as automatic machines, to raise our hands or voices in your support. We refuse to acquiesce in that subordinate, stultifying, and non-self-respecting position. Treat us as representatives of the taxpayers. Place your cards on the table, and then we shall deal with you as between equals. So long as you refuse to do that, you will have to ask in vain for our support to such bills.

Then, this Bill says in clause 3:

"The Central Government may make rules for the government, discipline and regulation of the Indian Naval Reserve Forces."

If the Central Government is to make all these rules, I want to know what are the rules they are going to make for the discipline of these forces over and above those which are contained in the Naval Discipline Act, which they have reproduced already as a schedule to the Indian Navy Discipline Act. That Act is in comprehensive terms: I have read it and it deals with mutiny, with desertion, with disobedience; and, if they want to make these rules, is this Legislature to be asked to give a *carte blanche* to the Executive to make such rules as they consider proper and expedient? These rules are never to come before this House. May I ask the Defence Secretary why this suspicion, this distrust, this keeping at arm's length of this elected House? Why do they not want to place the rules on the table of the House, and get our consent?

Then, we have the penal sections. My Honourable friend, the Leader of the Muslim League, referred to them very compendiously and sarcastically that really they were the only operative portions of the Bill on which we are asked to give a vote—punishment for not responding to the call and for not turning up.

There is only one other point in this Bill to which I should like to call attention, although I am told it is quite common: that is, doing away with the normal rule of evidence. I want the House to ponder over this clause:

"6. Where any member of the Indian Naval Reserve Forces is required, in pursuance of rules made under section 3, to attend on board any vessel or at any place for the purpose of undergoing training, or is called into actual service in the Royal Indian Navy, a certificate purporting to be signed by an officer appointed in this behalf

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under the said rules and stating that the said member failed to attend in accordance with such requirement or call shall, without proof of the signature or appointment of such officer, be evidence of the matter stated therein."

This may or may not be required, but in the short speech which the Honourable the Defence Secretary delivered there was no attempt made to justify this wide departure from the normal rule of evidence, so as to make people punishable without even proving the elements of evidence.

The other clauses of the Bill merely amend certain sections of the Navy Discipline Act—86 and 87—substituting for the Indian Naval Reserve Forces all the other forces. In the Statement of Objects and Reasons, para. 2, they say:

"Legislation is required.

(b) to impose on members of all four Reserve Forces a legal liability to serve in the Royal Indian Navy, or to join any ship, or to perform any service for which members of those forces are intended or liable whenever called into actual service."

I want to know what are the various purposes for which they may be called into actual service. As it is, it places upon them undefined duties which the Government may interpret in such manner as may appeal to them. It seems to me that this Bill is a skeleton Bill in more senses than one. We are asked merely to vote for this, to give full permission to the Government of India, without any control whatever, to raise any number of its reserve forces, to raise them for any purposes they desire, and to cast an obligation on the Indian exchequer, to vote a Bill which may be as large as they like. It seems to me that this is not the way to get the consent of the House to a Bill of this kind. They must tell us what is the extent or the number of forces they want to raise, what are the purposes for which they want to raise these forces, for what period they want to raise them, and last but not least, what the extra burden to the Indian tax-payer will be. If they do not or if they cannot give the information, it seems to me that this Honourable House will be stultifying itself, if it votes in favour of this Bill.

I want to place before the House that our powers are limited and restricted in many ways. As I said in the beginning of my speech, the defence budget is practically out of our hands, and we cannot in the present position have our say effectively on even a single pice of expenditure on the defence. Luckily for us, the Government have come to us for legislation. If we turn down this Bill they have got the other place to go to and they have got the Governor General's certifying powers; but, at any rate, we have an opportunity of saying that we shall not be willing parties to this Bill. Let, therefore, all Honourable Members of this House, who are free to vote, record their vote against this Bill, and tell the Government first, that we vote against the Bill because we are asked to vote for something undefined which we do not know and the commitments of which are not in our possession; secondly, you keep us at arm's length in all defence matters and you do not want our co-operation except on your own terms. I want to repeat the words of the Leader of the Muslim League—co-operation on honourable terms no self-respecting Indian will decline; but co-operation on their own terms, on terms which suit them, and not only them but their master in Whitehall, no. That is the sting of the thing. My Honourable friend, the Leader of the Opposition,

said and very rightly that he had no quarrel with Mr. Ogilvie. Why should we have any quarrel with him? Poor man. We sympathise with him. What can he do? He has got to obey his master's orders. They are not here: they are six thousand miles away, and they send down their orders and ask him to bring forward legislation. What can he do? Whenever we are told that they refuse to answer a question, take it from me that in 90 per cent. of the cases they know no more than I do, and they cover their ignorance by a camouflage and say they refuse to answer, whereas the truth of the matter is they do not know. They are a subordinate branch of the British administration and when they use the phrase 'public interest', it means they do not know the answer: but convention demands that they should say so and should not in public display their ignorance of the matter and that is why they say again and again "In the public interest, I refuse to answer this question". I can understand a responsible Government in a responsible House saying that, because we can kick them out if they refuse to answer questions on that ground day after day. But here, in this House, knowing that they are secure, they are constantly saying: "We refuse to answer questions in the public interest." The fact of the matter is that this Bill is not a product even of the Government of India: it is because the Mediterranean is rapidly becoming an Italian lake, that the Government of Great Britain is nervous about her route on the Mediterranean. They know the position in Italy and they know the position in Spain: they know the position in Palestine and they know the position in Abyssinia. I want my friends in this House to study the map of the world carefully. The Mediterranean is becoming a lake which may be dominated by Italy and by Spain, Italy's friend, and by Italy in Abyssinia, and by Palestine which has risen in revolt against British domination and which will not be suppressed. Therefore, they want to have their route *via* the Cape of Good Hope and they want to strengthen their naval defences in and around India. If that is so, come to terms with us. Talk to us as man to man. Tell us your difficulties, and take us into your confidence, and we can work together. But, if you want to pretend that you are stronger than you are, that you want this Bill merely to protect us, from whom I do not know—and really you want to protect your own imperialistic interests in this country—we feel that you are doing something in which we are not interested and something in which you will not take us into confidence, and we say we shall not vote for this Bill, and be parties to this attempt to saddle the poor Indian taxpayer with additional expenditure, the extent of which we do not know. We feel that by voting for this Bill we shall be helping a Government which does not deserve any help at our hands. I oppose this motion.

Mr. C. M. G. Ogilvie: Sir, I fear from the general tenor of the majority of the speeches to which I listened yesterday and today, that
 3 P.M. the result, as far as a large part of the House at any rate is concerned, must be taken to be a foregone conclusion, and I do not flatter myself that any impassioned speech on principles by me would have any effect at all upon those whose principles are different. However the speech of Mr. Satyamurti does give me a little hope. He does at least ask for more information, and presumably if he had already made up his mind he would not ask for it. So I cannot do better than take the excellent advice of my friend, Mr. Jinnah, and "carry on".

[Mr. C. M. G. Ogilvie.]

A good number of the criticisms on the merits of the Bill to which, I may say, I shall confine myself and my task will, therefore, be comparatively brief, go to show either that the Honourable Members who made them were not present when I made my speech yesterday or that I did not speak loud enough, or to use the felicitous phrase of my friend, the Leader of the Opposition, did not "bellow out" loudly enough.

The first criticism on the merits of the Bill as such came from Sardar Sant Singh which has been repeated by many Honourable Members. He objected to the rule-making power being in the hands of the Central Government. Well, gentlemen, it must be well-known to every one that the rule-making power is an executive function and must, therefore, be in the hands of the executive Government. Some of the remarks by gentlemen who spoke later seem to show that they think that the rule-making power confers a blank cheque on Government. Those, of course, who are versed in law know that is not the case. One Honourable Member went so far as to say that by virtue of this rule-making power Government could create new offences and new punishments. That is not the case. The rule-making power is conferred in order to apply in detail the sections of the law which are here stated. I cannot give the House in advance rules which have not yet been prepared, but the kind of matter with which they would deal is, for example, the specification of the manner in which the summons to attend training or actual service should be served upon a reservist.

Mr. Asaf Ali opined that the real purpose underlying the Bill was to impress upon the world that India possesses very vast reserves, and other Members including the Leader of the Opposition, Mr. Jinnah and Mr. Satyamurti all expressed doubts as to the size which those reserves would be and the amount they would cost. Well, to start with, speaking generally, the provision of reserves is, as I think Honourable Members will readily understand, an economical method of increasing our strength in time of emergency. If you had no reserves and no possibilities of getting any, prudence would dictate that you maintained your armed forces at a size which would deal with an emergency. If you have reserves, well you can act accordingly and call them up when you want them, and you have only to pay them for the period that you call them, or, in the case of the regular reserves, pay them a small retaining fee, which amounts to $\frac{1}{5}$ th or $\frac{1}{6}$ th of their pay when in service.

I will now say a few words about the composition of each of these reserves. The regular reserve must be built up, as I think ought to have been obvious, from the regular forces, that is to say, it can only be recruited from persons who are discharged or from those who have retired from the regular force. That I stated yesterday. The regular force is a small one, and the number of persons who are discharged from it annually is also very small, possibly 80 or 90, and—not all of those would want to go to the reserve, or would be fit to go to the reserve. The total strength, I may say, which is aimed at is in the neighbourhood of 600 men. But that could not possibly be attained under a period of 11 to 12 years, and there is no guarantee that that figure will be attained even then.

As regards the Royal Indian Naval Volunteer Reserve, that, as I said yesterday, is to be composed of officers only who are amateurs, that is to say professional men and others who want to do a little volunteering in

exactly the same way as the Indian Army Reserve Officers do today. The cost of it is very small. Officers are paid in accordance with their rank for the period of their training when they are called up, and when they join they are given an allowance for the purchase of their uniform. For the present it is proposed to raise 20 of these officers. It is hoped that the majority of them will be Indians.

As regards the Royal Indian Naval Reserves, that again must necessarily be limited as the number of professional sailors in India is regrettably small. The number of ships on the Indian register is not large. Again, it depends entirely upon how many of them will be willing to join the reserve and appear annually for a course of training for a fortnight or a month, whatever it may be. No compulsion can be exercised, no attempt has yet been made to enlist any of them, but if they are forthcoming, then we should like to recruit a considerable number in the course of years,—it will take years and years to build up such a reserve,—it might amount to several hundred men and a proportionate number of officers. Both officers and men of that reserve would, I should say, be if not entirely Indian, at least Indian in the vast majority. The communications reserve will be very small. That again will take a long time to build up, and again it depends upon whether people are attracted to it or not. As far as can be foreseen at present, in no case will it amount to more than, say, 100 or 150 men and a few officers. Those, too, we hope, would largely be Indian. One Honourable Member said that very little was being done towards Indianising the officer ranks of the Royal Indian Navy. It is regrettably true that we have had great difficulty in filling up the vacancies, and in the last examination for four places only 14 candidates appeared and of those none qualified. It appears quite fairly obvious that at present a sea-faring life does not, at any rate, hold out any great attractions for the middle and upper classes in this country. It is, of course, new and strange, and though we do get some most admirable officers who have received the highest commendations in England—I know the Honourable Members opposite have no very high opinion of the Admiralty, but at least I think they may agree that they know what they are talking about, that England has been, I think I may say, conspicuously successful as a sea-faring nation *pace* Mr. B. Das and his Oriyas, and their commendations are worth something. The few officers we get are very good indeed and it is hoped that if people get some idea of what naval life is like, what service in the navy is like, by volunteer service, that knowledge of the service, and what it means may spread and that we may be able to go ahead better and faster than we have done in the past. So, the criticism that the Honourable the Leader of the Opposition levelled at us that we wish to create masses of reserves I do not think can be said to hold good. Unless a certain emergency arose and it was necessary to collect from the highways and byways anyone who could possibly be available under the present scheme in 10 or 12 years we may get 1,500 or 1,600 reservists. If the British Empire, as I think Mr. Abdur Rasheed Chaudhury said, counts upon that to defend itself from its dangers, it is indeed in a parlous condition. Mr. Deputy President, in the course of his speech, advised us first to have a reserve and then to talk of discipline, and accused us of putting the cart before the horse. It is quite true that if you have got no reserves you cannot discipline them, but it is also quite true to say that when you have got a reserve and no discipline then you can just as well not have it. So, before creating reserve forces

[Mr. C. M. G. Ogilvie.]

of this kind we must make arrangements for their due and proper reception. Mr. Deputy President also apparently did not hear my description of local naval defence yesterday. Local naval defence means, in brief, the protection of ports and harbours of the locality concerned, to wit, India in this case, from enemy mines and submarines, and it may extend also to the approaches to those ports and harbours. A considerable number of men, regular or reservist,—in practice they will be mixed of course,—is required for this purpose and that is the main reason for requiring additional personnel, additional trained naval personnel. The reservists will, in practice, mainly be used for local naval defence; they will also be used in shore establishments. For example, in the communications department, barracks and other establishments, and also for purely office work, accounting, ciphering, and things of that kind; they may also be required to serve on board the sea going sloops. One of my Honourable friend, Mr. Jinnah's criticisms was that the Bill only provides penalties and that it did not deal with the constitution of the reserve. As I said yesterday, all that this Bill is intended to do was to bring these reserves, when formed, under the Indian Naval Discipline Act and to provide sanction for compelling their appearance when called upon. Nothing more was intended, nothing more is wanted under this Bill. The Government have already full authority to raise reserves under the Government of India Act. It is not the raising of the reserves that is sought to be sanctioned here, but merely the bringing of them under discipline; it is really an extension to the reserves of the Act passed in 1934. Finally, my Honourable friend, Mr. Abdur Rasheed Chaudhury, made what appeared to me to be a surprising statement as I think he himself has been a magistrate,—that magistrates will not sift the evidence under the Evidence Act when trying cases brought to them under these sections. That is not the case at all. The only thing which this clause lays down is that the signature of an officer on a document stating that a member of the reserve failed to attend was to be taken as evidence. As a great number of Honourable Members must know, that is a very frequent provision of law and I should have thought that Mr. Abdur Rasheed Chaudhury himself would have come across it in cases where the evidence of Chemical Examiner was required in his Court. In all other respects the rules of evidence will apply. I trust that that brief explanation will also satisfy my Honourable friend, Mr. Satyamurti, who also alluded to it.

Mr. M. Asaf Ali (Delhi: General): What is the reply to the charge of non-co-operation?

Mr. C. M. G. Ogilvie: As I said, I intended to confine myself to the merits of the Bill, but as the Honourable Member has raised the charge of non-co-operation I will go so far as to say that I think unprejudiced observers might come to the conclusion that the persons who made that charge were a little difficult to co-operate with.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That the Bill to provide for the discipline of members of the Indian Naval Reserve Forces raised in British India on behalf of His Majesty be taken into consideration."

The Assembly divided:

AYES—45.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.

Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.

Gorwala, Mr. A. D.
Greer, Mr. B. R. T.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Hardman, Mr. J. S.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.

Kamaluddin Ahmed, Shams-ul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lillie, Mr. C. J. W.
Mackeown, Mr. J. A.

Maxwell, The Honourable Mr. R. M.

Menon, Mr. P. A.
Menon, Mr. P. M.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Mukherji, Mr. Basanta Kumar.
Nur Muhammad, Khan Bahadur Shaikh
Ogilvie, Mr. C. M. G.
Rahman, Lieut.-Col. M. A.
Roughton, Mr. N. J.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan, Captain Sardar Sir.
Sucar, The Honourable Sir Nripendra.

Sivaram, Rao Sahib N.
Spence, Mr. G. H.
Staig, Mr. B. M.
Stewart, The Honourable Sir Thomas.
Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Thomas, Mr. J. H.
Zafrullah Khan, The Honourable Sir Muhammad.

NOES—56.

Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Abdur Rasheed Chaudhury, Maulvi.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Basu, Mr. B. N.

Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Das, Mr. B.

Das, Pandit Nilakantha.
Desai, Mr. Bhulabhai J.
Deshmukh, Mr. Govind V.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.

Gadgil, Mr. N. V.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Ghuznavi, Sir Abdul Halim.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Hegde, Sri K. B. Jinaraja.
Ismail Khan, Haji Chaudhury Muhammad

Jedhe, Mr. K. M.
Jinnah, Mr. M. A.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.

Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Manu Subedar, Mr.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.

Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Rao, Mr. M. Thirumala.
Raza Ali, Sir Syed.
Saksena, Mr. Mohan Lal.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Sham Lal, Mr.
Sikandar Ali Choudhury, Maulvi.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Subbarayan, Shrimati K. Radha Bai.
Varma, Mr. B. B.
Yamin Khan, Sir Muhammad.

The motion was negatived.

REPORTS OF THE PUBLIC ACCOUNTS COMMITTEE.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Assembly will now resume consideration of the motion relating to the Reports of the Public Accounts Committee on the accounts of 1934-35, 1935-36 and 1936-37. Mr. B. Das.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, in his marvelous and lucid speech and review of the reports of the Public Accounts Committee, my Deputy Leader, Mr. Satyamurti, characterized the departmental witnesses as plausible on one side and as impossible on the other. Sir, in reviewing the three years' reports of the Public Accounts Committee at this distance I venture to analyse the causes that made the departmental witnesses plausible or impossible ones before the Public Accounts Committee. Sir, I have analysed the causes and I feel that the stress and strain of the Government of India Act and the fear that the civil servants and departmental heads are losing the grip and losing the control over the administration make them to be impossible witnesses in the Public Accounts Committee. Sir, as a result of that, two distinct characteristics were observed in the attitude of the Government. One has already been referred to and I will cite other instances of writing down of capital values, reducing the capitalized expenditure on commercial concerns, and the other was not to allow the Auditor General to have greater financial control on the different Departments of the Government.

I will take up the first feature, which was already referred to by my Honourable friend, Mr. Satyamurti, namely, how quietly the Railway Department reduced eight crores of rupees of its capitalized value,—let it be under the plea of stricter financial sense, but there it was,—the general revenues lost interest charges and it was done behind this Legislature; it was only brought out in the financial statement of the then Railway Member. There are other instances over which this House was not at all informed. It was only brought under notice when the Public Accounts Committee examined the reports of the Accountant General, Central Revenues. I refer to the writing down of the capital of the New Delhi Municipal Committee outlay by 111 lakhs. Sir, if the Government was responsible to the Legislature, the Finance Member of the time ought to have brought out in his speech that the Government at the time had decided to write down the capital. Sir, this House and the older Members of the House know the extravagance of the Delhi capital outlay. That extravagance went on merrily between 1919 and 1924, and the great scandal over which crores of rupees were spent on a huge stoneyard, not one hundred yards from this Council Chamber, where crores of rupees were wasted, was hushed up. That scandal of the Delhi Capital Outlay made the New Delhi Municipal Committee face with a capital expenditure of 1,71 lakhs, and the Government or rather the Finance Member was the guilty party. I hope my Honourable friend, Mr. Sanjiva Row, who is deputising for his chief, will reply under what section of the Government of India Act, old or new, his Department can justify the writing down of those 111 lakhs without informing the Legislature of that fact. Of course, the Public Accounts Committee spotted it. Thereafter, the Public Accounts Committee drew the attention of

the Auditor General that he might see that although the capital value of the assets handed over to the New Delhi Municipal Committee had been reduced by 111 lakhs, the assets still left, *viz.*, the water works and the electricity works, should be properly evaluated so that they do not run away with the idea of under-valuing those assets and thus show huge profits. Since then it is in the air that the Delhi Electricity Board has been formed and that a three crore capital grant is coming, and although in the last year's discussion Sir John Nixon gave an assurance and told the Auditor General that they will see to the proper evaluation of these two assets, this House had no knowledge nor we the members of the Committee had any information in the Public Accounts Committee.

Sir, I will come to another instance. It is the reduction in the depreciation valuation of posts and telegraphs accounts. Of course the Public Accounts Committee suggested that a small Committee should go into it. The Sir Cowasji Jehangir Committee went into it and suggested the ways and means by which the depreciation value should be reduced. The Finance Member of the time reduced it by a crore and a half or a crore and twenty-five lakhs. I am not particular about the exact figure but this House was not informed. The Government went by the back-door and it was the Public Accounts Committee that spotted it that the Government of India had taken a decision on the report of Sir Cowasji Jehangir and they tried to reduce the obligations of that huge commercial Department, the Posts and Telegraphs Department, but yet the House was not informed. Probably there is no constitutional obligation on the Finance Member to come to this House and inform us in his Budget speech that he has allowed that reduction.

I take another instance which was very prominent in the Public Accounts Committee report of last year. It is the Nasirabad canal project. Everybody knows, particularly Members from Bombay, what happened to that white elephant—the Lloyd Barrage scheme. Nasirabad happens to be a very small village in the Baluchistan district. Somehow, neither the Bombay Government nor the Government of India ever spotted that a part of that canal will be built in British India, namely, in Baluchistan. When Sind was separated, the Sind Government did not want to burden the obligations of capital expenditure on that small Nasirabad project. Sir John Nixon confessed before the Public Accounts Committee that when he was busy in separating the Sind accounts from Bombay, he wanted to make certain adjustments. He confessed he could not issue an Order-in-Council. Honourable Members know that an Order-in-Council is a safety-valve in the hands of the Government of India during this transitional period. They ask the House of Commons to pass any legislation they like and that gives them the *carte blanche* to play ducks and drakes with India's financial position. When the Sind Government refused to bear that obligation even on paper the Nasirabad project came towards the end of the year in the accounts of 1936-37 with the apology that it could not have been done earlier. I will just quote a passage from Sir Nixon's apology:

"B-3 is another one of those adjustments concerning Nasirabad. When the Lloyd Barrage was constructed it went through the Khairpur State and also went up into a little bit of Baluchistan. The whole was accounted for as one capital project. The intention was that when the whole thing was completed it would receive money from the Khairpur State for the bit that went through Khairpur and receive money from the Government of India for the bit that went into Baluchistan."

[Mr. B. Das.]

I can challenge the representatives of the Finance Department here that they had no knowledge whatsoever about this scheme when the Lloyd Burrage scheme was first thought of. Later on, Sir John Nixon said:

"We did not get that put into an Order in Council till January of that year, that is until we had framed our budget. We intended putting it in the next year's budget but Sind had already put it in this year's. So we took the risk of an excess vote. If we had got orders in time we would have put it in this year, but we did not know whether the Secretary of State would accept the suggestion or not."

Later on, he makes a very significant confession. Mr. Satyamurti asked the question:

"If it came before the Session was over, you could have laid a statement on the table of the House."

Sir John Nixon replied:

"At the time of the budget and right up to the end of the year we had no intention of making this adjustment this year. We intended budgeting for it in the next demands for grants, but when the Sind Government said that they must have it this year we decided after the close of the year to do it and take the risk with the Public Accounts Committee."

I want the Honourable Members to mark the words "and take the risk with the Public Accounts Committee." A few minutes ago, we were discussing about the *zabardast* attitude of the Defence Secretary, but here is the statement of the Finance Department which appears to be under the control of this House, the spokesman of which made some muddle and he wanted to take the risk with the Public Accounts Committee. That is the scant respect that the Finance Department pays to the Public Accounts Committee. Sir, it is very difficult for the Members of the Public Accounts Committee to be very observant and note whether the departmental heads are trying to hoodwink the Committee and also this Legislature by under-writing the capital valuation of assets which they are controlling. These four instances—three given by me today and the other given by my Deputy Leader—have clearly shown that all is not well with the Government of India in the Finance Department.

My second observation was what I have noticed, particularly when I was reviewing the reports of the Public Accounts Committee for the last three years, that the tendency in the mind of the departmental witnesses is that they wish that there should be no Auditor General. They wish that there should be no control of the Auditor General in the matter of their expenditure. Of course, under the new Government of India Act, although there is no idea of Federation, some of the control of this House and even of the Public Accounts Committee including that of the Auditor General has been done away with in regard to certain Departments. That is a well-known fact. Orders-in-Council have already been published in the *Gazette of India* about the control of expenditure in the Political Department and the Defence Department and even questions were asked whether the Public Accounts Committee will receive the accounts of railways. A concession was made which, it is hoped, will continue for some time, but God alone knows what is going to happen in the future. Now, Sir, this tendency that we saw on the part of departmental witnesses to avoid financial control was also observed by the temporary abolition of the General Standing Finance Committee. As the House knows, the Finance Member is a little bit subjected to the control of this Committee. This

Committee was suspended by the present Finance Member for a period of 2½ years. It pleases him not to have any talk with the Members of this House or to hear their criticisms. He does not care for their views because the new Government of India Act empowers him to spend nearly three-fourths of the revenues of India without coming to this Legislature for any sanction. He has now become a greater bureaucrat and he has ruled that there should be no Standing Finance Committee although one of his predecessors, Sir Basil Blackett, wanted not only the Standing Finance Committee but also an Estimates Committee, so that the House may get a closer picture of the revenues and expenditure of the Government of India. But, then, Sir Basil Blackett is no more and the present Finance Member is going to lay down his portfolio and will probably become a bigger bureaucrat in England like Sir John Anderson. He has not improved the financial control of this House at all. On the other hand, he has taken away part of our powers and rights.

My Honourable friend, Mr. Manu Subedar, reminds me whether courtesy does not require the Honourable the Finance Member to be present in the House when the report of the Public Accounts Committee is discussed. I see three officers are deputising the Honourable the Finance Member in this House at present. There is Mr. Sanjiva Row, there is the Financial Commissioner of Railways, Mr. Staig, and there is also Mr. Sundaram, the Controller of Railway Accounts.

Mr. Deputy President (Mr. Akhil Chandra Datta): In all fairness to the Honourable the Finance Member, it should be said that he has something very urgent outside, and he has gone with the permission of the Chair.

Mr. B. Das: I am glad he had informed the Chair that he was leaving the House on some important business.

Now, Sir, I was referring to the point that when the Auditor General's power was restricted, it was the duty of the Finance Member to mention that in his budget speech and to inform this House that such action has been taken during the transitory stage of the Government of India Act, 1935. It was never done. But all the same the members of the Public Accounts Committee tried to draw information from the Auditor General and the Finance Member as to the restrictions that are imposed. One incident happened to which my Honourable friend, Mr. Satyamurti, already made reference to the lessening of the control of the Financial Commissioner of Railways by placing, in two Railways, the Chief Accountants under the General Manager and Agent of the Railways and not under the Financial Commissioner.

[At this stage, Mr. President (the Honourable Sir Abdur Rahim) resumed the Chair.]

The House is yet unaware how it came to pass. One or two questions were put why the particular railways, the G. I. P., and N. W. R. were selected for this devolutionary experiment which goes against the very principle for which the separation of railway from general finance was agreed to.

Mr. K. Sanjiva Row (Government of India: Nominated Official): Did not the Public Accounts Committee agree to the placing of two Chief Accounts Officers under the Agents?

Mr. B. Das: I am glad my Honourable friend has put me that question. The Public Accounts Committee did not agree to the experiment being made on the G. I. P. and N. W. R. If my Honourable friend would read Mr. Badenoch's statement, it was made clear that one of the railways should be the better administered railway, namely, the G. I. P. and the other should be of the type of a mismanaged railway like the E. B. R. or B. N. R. I do not wish to name many of the railways that are mismanaged. My Honourable friend asked to what extent the Public Accounts Committee agreed to this experiment. I do not possess a copy of the concordat, that is the agreement between the Auditor General and the Finance Department. Of course the Finance Member has the upper hand in all matters. He simply terrorises the Auditor General. I will quote the exact passage. The Finance Member yields to no principle. He simply browbeats the Auditor General by saying that there will be this Federal Railway Authority two years hence and, therefore, for a proper management of a commercial concern, the Accounts Officers must be the servants and must be placed under the thumb of the Agents. Of course the Auditor General's duty made him oppose that. What did the Auditor General do? If such an eventuality should come, he said he would agree to carrying out the experiment in two railways, first a well managed railway and another a badly managed railway. But the Auditor General has agreed to no principle which the Finance Member wanted him to concur. I will quote a passage from Mr. Badenoch's observations in the discussions of the Public Accounts Committee. When he made that statement he was acting as the Auditor General:

"Mr. Badenoch :..... Recently it has been proposed that the change should be made in advance of the introduction of the Federal Railway Authority.

Chairman : I had better make it clear that the change was proposed on its merits without any reference to the possible or probable constitution of the Federal Railway Authority."

This only shows that bureaucrats can change their views any moment as is seen from the observations of Sir James Grigg. I will again quote from the evidence:

"Mr. Badenoch : I will give the whole history of the proceedings. As the Chairman says the proposal was made that the change should be introduced in advance of the introduction of the Federal Railway Authority. I had a conference with the Financial Commissioner of Railways and the Secretary of the Finance Department. I brought the obvious objections to any wholesale change. I said that there had been an undertaking on the part of the Government to maintain this system of direct relationship between the Chief Accounts officer and the Financial Commissioner for Railways, that we considered that that particular organisation was more consistent with the present constitutional position of railways and that our impression so far is that the change is more likely to be prejudicial to the control than the reverse."

Mr. President (The Honourable Sir Abdur Rahim): Before the Honourable Member proceeds further with his speech, the Chair would make an announcement regarding the adjournment motion for today. The Chair has received a Message from His Excellency the Governor General to the effect that he disallows the motion on the ground that it relates to a matter which is not primarily the concern of the Governor General in Council.

Now, the Honourable Member may proceed with his speech.

Mr. B. Das: To quote again from the evidence volume:

"I also maintained that there was no breakdown in the present system. If it failed, it probably failed in personality rather than in system. I admit that these objections are only *a priori*. If you are going to have a change under the Federal Railway Authority then it is a perfectly valid claim on the part of Government that you should try out the proposed system on a small scale before the Federal Railway Authority is introduced so that both the Auditor General and the Government may know where they stand with regard to it."

That means that the Auditor General on behalf of this Legislature and in discharge of his responsibilities of control of expenditure that devolve upon him by the Government of India Act, 1919, and not the Act of 1935, he only agreed to an experiment and he did not agree to any devolution of power from the Financial Commissioner of Railways to the Agent. That was the main issue and that is the main issue in fact. Later on the Auditor General said:

"We had better try it, first of all, on a well paying railway like the G. I. P. and then perhaps on a non-paying railway in order to see whether the increased business control, which is claimed for the new system has some effect in reducing the losses."

There is a lot of discussion covering about five to ten pages on this subject and the Members of the Public Accounts Committee doubted the soundness of the suggestion that emanated from the Finance Member. But in the end, as my Honourable friend, Mr. Sanjiva Row, reminded me, the Public Accounts Committee agreed to the experiment. I do not want to reveal the secrets and the negotiations that went on behind the scenes. We agreed, but if there has been a concordat between the Auditor General and the Finance Member the Finance Department has repudiated it; if there has been any agreement between the non-official members of the Public Accounts Committee and the Finance Member it is the Finance Member who has repudiated it by not trying to experiment on a second railway besides the G. I. P. as was suggested in those delicate private negotiations between the members of the Public Accounts Committee and the Finance Member.

Sir, I have shown here that there is a distinct encroachment on the rights and privileges of the Auditor General. If Honourable

4 P.M. Members will take time to examine those orders that were published in the *Gazette of India* they will find that there is an attempt to make the Auditor General's control as little as possible. Even the Chief Commissioner of Railways, Mr. Wilson, suggested that the audit staff of the railways should be reduced. Not only do they want the accounts side to be taken away from the Financial Commissioner, and here I may tell Mr. Staig that he and his predecessor have always received from this side of the House the best support and co-operation and confidence that they freely deserved, but they want no audit. But, if the Financial Commissioner merely becomes a Treasury officer and the representative of the Finance Member and is not allowed to have his lieutenants as financial advisers in each railway, the position becomes otherwise. So, far, the Chief Accounts Officer in railways has been the financial adviser who had direct access to the Financial Commissioner. Sir, these bureaucrats, the Agents, are restless over that financial control which had been evolved these last fourteen years since railway finance was separated. Sir, I was present in the House on the occasion when Sir Charles Innes gave us that assurance on behalf of Government that the Financial Commissioner would tour all over India and his lieutenant, the Chief Accounts Officer, would be

[Mr. B. Das.]

the financial adviser to the Agent and the Agent's extravagance would be controlled. Since then much water has flown down the Jumna and the Federal Railway Authority is on the horizon; and, therefore, these bureaucrats of the railways do not want the accounts officers. And, unfortunately, with the rapid knowledge of mathematics that my Honourable friends from Madras possess,—most of the chief accounts officers are Madrasis—and even in the Public Accounts Committee somebody whispered, "How can we tolerate these Madras accountants and make them financial advisers of Agents"? They hamper too much the Agent's liberty of action and whimsicalities.

Sir, I find the Finance Member has just come back to the House, and so, instead of repeating myself, I will merely say that I was stating that there is an effort in the Finance Department to reduce the power of control of the Auditor General, and to reduce his staff; and then by the concordat which was agreed upon by himself and the Auditor General a deliberate attempt has been made to reduce further the power of the Auditor General in the matter of audit.

The Honourable Sir James Grigg (Finance Member): The Honourable Member is quite wrong about that. The only thing the Finance Department desire to do is to maintain its own powers; and I will remind the Honourable Member that control over expenditure is the function of the Finance Department and not of the Auditor General.

Mr. B. Das: Yes, whether the Finance Department is controlling rightly or wrongly this House has got only one method of knowing it and that is the method of proper auditing through the Auditor General and if the Auditor General

The Honourable Sir James Grigg: Certainly the Auditor General is the eyes, if you like, of this Assembly among other things, but the functions relating to control of expenditure are vested in the Finance Department.

Mr. B. Das: I have seen three or rather three and a half Finance Members, and I have seen three Auditors General. But I find that in the Public Accounts Committee knowledge is derived through the Auditor General's report. It has enabled the Finance Department to exercise stricter financial control which otherwise the Finance Department was not able to do. I do not want to repeat those four instances of capital expenditure that have been written down. But why did not the Finance Department exercise stricter financial control? Why did they make a present of 111 lakhs to my Honourable friend, Sir Girja Shankar Bajpai, in writing off the capital assets of the New Delhi Municipal Committee? Is that stricter financial control? Nor is it commercial control. And where was the control in writing down the railway capital simply because the general revenues will share more money from the railway receipts?

Now, Sir, I will discuss certain other aspects of what the Public Accounts Committee does. During the last three years,—somehow the Finance Member and the Finance Department have been parties to it,—policies are discussed in the Committee. Government representatives never discuss those policies on the floor of this House and they become

fait accompli. I have narrated the instance about the experiment on those two railways and one or two other instances I gave before. But I will just mention one instance over which I am personally very much alarmed. I do think the Finance Member is a very good and lovable Chairman but at times he stops discussion when the subject irritates him. There have been one to two subjects discussed which had alarmed me very much. At a time in the year before last when my Honourable friend was on his well-earned holidays a discussion arose whether the silver contents of the rupee can be reduced, and then a record was made

The Honourable Sir James Grigg: I think the Honourable Member is really going a little over the odds in discussing it here because I made it quite clear that the discussion was informal and had nothing whatever to do with the functions of the Public Accounts Committee.

Mr. B. Das: But unfortunately it has found a record in the proceedings of the Committee.

The Honourable Sir James Grigg: That shows that they ought not to be printed at all.

Mr. S. Satyamurti: That shows that they ought to be printed.

Mr. B. Das: I find this, not in the evidence, but in the proceedings, that two members of the committee felt that the silver contents of the rupee may be reduced. I am only saying

Mr. President (The Honourable Sir Abdur Rahim): That was only a suggestion.

Mr. B. Das: Sometimes, Sir, these suggestions come into practice and one fine morning we will wake up and see a coin—call it Griggian coin which will be all white and which will have no silver at all! My Honourable friend is going away but his successor may take it into his head to do that. I feel that the Public Accounts Committee must restrict itself and should not discuss subjects which are of big import to the financial credit of the country. . . .

Mr. F. E. James: Quite right

The Honourable Sir James Grigg: I think, after the Honourable Member's exhibition he is quite right.

Mr. S. Satyamurti: He is quite wrong. We must discuss policy. What else are we there for?

Mr. B. Das: I did not raise it: others raised it and I grew alarmed. Then a mandate has been given to the Finance Department whether the closing of the purchase and sale of silver accounts in subsequent years should appear in the financial abstracts of the Government of India and in the report of the Accountant General Central Revenues. The House is getting newer every day with the absence of older Members who belong to the orthodox school of finance. Much stress was laid in old times on the question of redemption of silver account and purchase and sale of silver account. Finance Members come and Finance Members go

Mr. F. E. James: But you go on for ever!

Mr. B. Das: and they dabble with the silver currency reserve and the paper currency reserve; then it suits a Finance Member to amalgamate them: and then of course the Reserve Bank came and it swallowed up all the currency funds and there have been no other funds, but yet there is a floating account known as the purchase and sale of silver. The loss on sales of silver is somehow debited to this account and I do not like its burial. They say:

"But they desire to be furnished with a note next year on the question whether the old debit balance in this connection should not be written off to Government account."

Belonging as I do to the orthodox school of finance, I do not like the thing to be closed and as my Honourable friend is going away shortly I appeal to him not to pass any orders closing this particular chapter. It takes us back to the financial policy of Sir Malcolm Hailey—the 2s. 8d. rupee and other mad actions of different Finance Members. But what I am concerned with is this: I want this account to be maintained. Government should not venture into new financial principles and methods and policies without consulting the financial circles in Bombay and Calcutta and even in Madras.

The Honourable Sir James Grigg: We got some very odd results when some of them were consulted once!

Mr. B. Das: If they have been consulted and if the Government want to come to a decision that this account should be closed, they should bring out in their annual budget statement that will appear a few days hence and submit a memorandum reviewing the whole position. I do not want them to go back to the days of Sir William Meyer but let them come out from 1919 up to this period and let them show which Finance Members have caused India the loss of so many crores: of course some of us know which Finance Member is responsible for what terrible losses to India but others should also know and that is why I do not want that account to be closed.

The observation that some witnesses are impossible applies most to the witnesses of the Home Department—not that they are not very nice gentlemen, but in my experience of twelve years in this committee I have found the Home Department comes least prepared. It was in Sir Basil Blackett's time that a Deputy Secretary in the Home Department was asked to leave the Committee and come prepared the next day and he did so.

The Honourable Sir James Grigg: That is not accurate.

Mr. S. Satyamurti: You were not here. It was in Sir Basil Blackett's time.

Mr. B. Das: Again, in Sir George Schuster's time the Committee reached the conclusion that the younger witnesses of the departments were no good and heads of departments—secretaries and the Chief Commissioner of Railways—should appear before the committee. I must say to the credit of Sir George Schuster that he agreed and compelled these secretaries

to appear before the committee. Recently, the Home Department has very little work to do. But it changes its personnel every three months and a new witness comes who knows nothing of the work of the department. This department still lives in the tradition of the old days of Sir James Crerar and Sir Harry Haig when political issues were the biggest issue of that department and the Home Member was the biggest man on the floor of the House. Now, they have no work and they do not take the few responsibilities they have properly. What does the Home Department administer? Delhi, Ajmer-Merwara, Andamans and Nicobars. If you ask a witness. . . .

Mr. F. E. James: My Honourable friend is probably unaware that the motto of the Home Department is: "There is no place like home!"

Mr. B. Das: If you ask a witness anything about Delhi or Ajmer-Merwara, he does not know anything. For the last three years I have been putting a question. I do not understand why there should be a Delhi province—my Honourable friend, Mr. Asaf Ali, is not here. If there is a Delhi province there is a Chief Commissioner with his paraphernalia, and there must be an administration report,—and somehow that administration report is never published: and if it is, it is published a day before the Committee meets. I find here that the report for 1935-36 was published in the month of July, 1937, but the Committee never saw it. A question was put to our old friend, Mr. Hands—not Hans of the Fairy Tales—"How is it that the report of the Delhi administration was not published?" He replied "I will look into it." Here a witness appears before us to give evidence for Delhi, Ajmer-Merwara and the Andamans, etc., and he does not bother his head to look into the administration reports. This year our old friend, Mr. Thorne, appeared and I again repeated my question. We were examining him on the 27th July, 1938. I put him the question: "Now, Sir, I wish to raise the question of the Delhi Administration Report. The Delhi Administration is under the direct control and management of the Home Department, and it has always published its Report very late."

This time it published its Report on the 20th of July—this is the date we find printed by the Government of India Printing Department on the cover,—the Report reached me on the very morning that I wanted to examine Mr. Thorne in the Public Accounts Committee. That is the way the Home Department is exercising its responsibility. They have a very big responsibility, where expenditure is made on a very large scale,—but it is no use going into those matters now in view of the Budget Session which is drawing nigh, and we can take up that question then. . . .

The Honourable Sir Nripendra Sircar: Is that the last point?

Mr. B. Das: I think, out of respect for my Honourable friend, I should not say anything, but perhaps he does not like my voice. . .

Mr. N. M. Joshi (Nominated Non-Official): We like your voice

Some Honourable Members: Go on, go on.

Mr. B. Das: I will just close my remarks with one or two observations. I do hope the House will realise the irresponsible attitude that the Finance Department has recently adopted towards this House in the matter of

[Mr. B. Das.]

financial control over certain departments by writing off capital according to their sweet will. We should avail ourselves of the experience of Sir James Grigg's presence on the floor of the House during the Budget Session and ask him to define what will be the correct principles of financial control and what his departmental officers advise him in the matter of giving larger powers to the different departmental heads, so that the civil service bureaucrats may enjoy unrestricted freedom to appoint men as they like and to spend as they like. My friend, the Finance Member, knows it as everybody else knows. There is a process of burrowing and entrenching in the Secretariat where new offices are being created. This is just what the French or the German people are doing today in Europe. They are entrenching themselves in the Secretariat so that when their doomsday will come or when real power comes into our hands they want to show that those offices are essential for the administration of the country. My experience during the three years of accounts that I am discussing is that the expenditure in the Secretariat is growing enormously, out of all proportion to the needs of the administration, the staff is growing with the idea that something is in the offing—meaning thereby the Federation,—but whether it is in the coffin I do not know. But the fact is that the Finance Member, in spite of his shrewdness, in spite of his alertness, has agreed to the demands of the different departments to increase their staff, in the number of Secretaries, Deputy Secretaries, and he has also given them more financial powers than they ever possessed or were ever contemplated. Sir, this should be safeguarded, and I do appeal to my colleagues here that during the Budget Session we should see that we do get some elucidation from the Finance Member, and that he sets down the correct methods of financial control which we have been expecting from him from the time he first came out to India.

Mr. J. Ramsay Scott (United Provinces: European): Sir, we have before us for discussion three years' reports of the Committee for Public Accounts, but as the former two are now very ancient history I propose to concern myself with the report for the year 1936-37 and I will start with Railways. The estimated surplus of 15 lakhs owing to the improvement of traffic receipts to Rs. 9,549 lakhs was found to be Rs. 121 lakhs which sum went to the Depreciation Fund under the 1924 convention in part repayment of borrowings. I shall refer to the Depreciation Fund later.

Ticketless Travel.—The Railways, we were informed, were taking administrative measures to endeavour to control and obviate the large loss of revenue.

Revision of Railway Codes.—This has been a tremendous task, and although the codes have been much curtailed, they are still in several volumes.

Railway Accounts.—The Finance Member put before us a change in the organisation of the Accounts Department. The change is that the Chief Accounts Officer will not only be responsible for the Accounts but will be the Agent's (now the General Manager) financial adviser, and will come under the General Manager, although he will still have access to the Financial Commissioner for Railways on any points on which he is not in agreement with the General Manager. We have agreed to the experiment

being tried on two Railways and the Auditor General will watch the experiment carefully and a report will be placed before us next year. This will give Members of the Public Accounts Committee an opportunity to decide for themselves in the light of the practical knowledge gained how far the new experiment is sound and whether it will in fact lead to more efficiency without extra cost.

The Pope Report.—The savings effected were Rs. 61 lakhs at a cost of under two lakhs last year and for the four years the total savings have reached Rs. 173½ lakhs at a cost of just over Rs. 11½ lakhs. This I consider an excellent result.

The liabilities of the Railways amount to Rs. 62½ crores of which Rs. 30½ crores represent a loan from the Depreciation Fund and Rs. 32½ crores unpaid contributions to Central Revenue. It has, however, been decided that Railways' revenues shall not be liable to repay these two amounts before 1st April, 1940, or until the advent of the Federal Railway Board, whichever is earlier.

The position of the Railways on paper would show at the end of 1937-38 a capital cost of Rs. 789 crores with a Depreciation Fund of Rs. 49½ crores and that in my opinion is probably near the correct value but as the result of borrowing by the Central Government we have reduced the Depreciation Fund to Rs. 19½ crores, and any writing off of the Rs. 30 crores may have the effect of overcapitalising the value of the Railway assets. The Federal Railway Board will have to sign blindly when taking over the assets for the value at book value whether it bears any relation or not to the real value. The Depreciation Fund which in 1936-37 is shown as Rs. 16½ crores increased at the end of 1937-38 to 19½ and is now increasing by about Rs. 4½ crores a year and I therefore hope by the end of 1939-40 to see it at Rs. 30 crores. The Wedgwood Committee thought it ought to stand at about Rs. 30 crores. No one wants to see this Depreciation Reserve used for any other purpose and I hope it will never be raided again to pay for any losses which the Railways may incur. We would like to see an additional reserve created in the near future, a general reserve for the repayment or reduction of capital and for the provision of better amenities on the railway and to generally strengthen the financial position. Railways in some countries do not run at a profit to the State, but provide cheap transit of goods and passengers. In the past Government have taken the profits after interest payments and now they are mortgaged to the Provinces.

In the year 1937-38 the Railways made a profit, after paying interest of Rs. 275 lakhs. The contribution to Government under the 1924 Convention should have been Rs. 4.33 crores and a balance of Rs. 1.88 crores is being carried forward to the debit of the Railways. The position in the budget of 1938-39 showed an expectation of a profit of Rs. 256 lakhs which will probably not be realised as costs have gone up and there will be a further deficit in contribution to Government under the 1924 Convention. By the time the moratorium expires in 1940, we shall probably be faced with an additional deficit of Rs. 7 to 8 crores besides the 62½ crores now outstanding. I would like to see suggestions put forward to deal with these amounts. My Group have pressed for a revision of the 1924 Convention but for the first five years of Provincial Autonomy under the Niemeyer Report the Railway Surplus *plus* the Income-tax less Rs. 13 crores is pledged to the Provinces.

[Mr. J. Ramsay Scott.]

It is very difficult to arrive at cost statistics on a railway and commodities and passengers seem to be carried at a loss one is told when investigating. It must be a pleasant surprise to Government to discover at the end of any year that the sum of such losses is a *plus*. One or two statistical figures are interesting. The gross earnings per mean mile worked per week are Rs. 515 while the working expenses per mean mile worked per week are Rs. 333. The profit is therefore Rs. 182 or over 54 per cent. This figure is borne out by the nett profit or earnings which at Rs. 36.88 crores on working expenses of Rs. 64.66 crores are 57 per cent. All this goes to show that Railways are very profitable to run but that the capital costs are high.

Statistics show that the average receipts of hauling a passenger one mile are 3.16 pies against a cost of 3.71 pies or a loss of $\frac{1}{2}$ a pie per passenger while receipts from carrying one ton of goods one mile are 6.17 pies against costs of 5.06 pies or a profit of over 1.11 pies per ton per mile carried or a profit of about 22 per cent. The costs which I have obtained and given you are arbitrary figures by apportioning various costs but they show that the Railways in India are making good profits, probably as good as any in the world. Many industries do feel the burden of the heavy transportation costs but the Government and this Assembly have decided that Railways are a commercial concern and have to show a profit which alleviates taxation.

Now I will deal with the Railway's relations with the Public. The only way by which the public can get any revision in rates is an appeal to the Agents and when that is ineffectual as it usually is, an appeal to the Railway Rates Advisory Tribunal. The report of the Tribunal is only advisory and the hearing and procedure is very slow, cumbersome and expensive. I would like this question to be examined carefully and some quicker, cheaper and more effective system adopted and I would suggest that the Standing Committee for Railways do take this matter up.

Now I come to the Posts and Telegraphs Department. There was a great improvement in finances and the Department showed a better profit than expected. The losses, interest bearing and non-interest bearing of over a crore, have been reduced to 55 lakhs and it has been arranged that this loss shall be worked off by the payment of Rs. 8½ lakhs yearly for the next five years. The only section of the Department which is not making a profit is the Telegraph Department and we expect that this year the loss will be only 17 lakhs. We are informed that the loss on press telegrams is Rs. 12/15 lakhs, and we are having the question examined more thoroughly to endeavour to ascertain a more exact figure. If the loss is brought down to the cost of press telegrams, then this loss may be said to be a service to the Public and therefore justifiable.

We hope that the Posts and Telegraphs Department will be able to repay its losses by spreading repayments over five years and we hope to be able to accumulate reserves. Although the Department is a commercial concern, and may be said to have a monopoly, we do not consider that the Department should at present make any contribution to Government but should give service to the Public. The present year 1938-39 has however not been so good and may not show any profit.

The Civil Aviation Department's receipts from the additional tax on petrol are increasing slowly but surely, and we think a special account should be kept. This Fund is for the development of Civil Aviation and has been used to find part of the subsidy to Flying Clubs. The Flying Clubs of India, although originally started for sport are now taking a very great part in the training of Indians for careers in commercial flying and will I hope shortly be used as the basis for the foundation of an Air Force Reserve to help in the Defence of India. I need not tell the House that I take a great interest in the flying movements in India. I am convinced that there is plenty of good material available amongst the youth of India, but flying costs in India are high and the only way to bring flying within the reach of the populace is to ask this Assembly to agitate for larger subsidies. The seven clubs receive a lakh and forty thousand between them which is a mere flea bite compared to what other nations spend. I know that my job as a Member of this Committee is merely to criticise spending and not to suggest expenditure but I do feel that a little more spent now might be well spent and it might mean that India is not left out in the development of flying in India. I also want to see the Government of India take an interest in Gliding.

Another question which is of great importance to the health of India is the Quinine position. Mr. Wilson, who has had many years' experience of growing cinchona in the Madras Presidency has just submitted a report and I hope the Government of India will give his recommendations immediate consideration. Cinchona plantations take 10—15 years to grow and there is a need for quinine to be made available in large quantities in the case of an epidemic or a war. India should be self-supporting and India might easily be able to supply the needs of the Empire.

The Honourable Sir James Grigg: Whatever the price?

Mr. J. Ramsay Scott: Produce it cheaply here. We have endeavoured to speed up research under the Imperial Council of Agricultural Research and we hope the Finance Member will be able to allow the Council to allot expenditure a year ahead of its Government grant.

Research for the industrial development of India under the Commerce Department is making headway but it is an uphill job as the staff is small and the funds made available are, I consider, inadequate. There is much that the Central Government should do to help industry in this country.

All Provincial Governments are fully alive to the need for assistance and I am zealous that it should not be said that the Central Government is apathetic or lagging behind. I want the Centre to lead in the industrial development of India.

A discussion on Public Accounts can roam over a very wide field and I have endeavoured not to bore the House by a detailed survey and I can only hope that the mistakes of the past will be avoided in the future. At present there is need for a very close examination of all expenditure and we want to see that we get full value for every anna spent.

In conclusion, I would like to say that I feel that the Public Accounts Committee often exceeds the scope of its activities as laid down by the constitution. Its real object is to examine expenditure and to see that public moneys voted are properly spent. The Committee has often been used for retrenchment purposes, but that is because there is no other machinery

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in existence and it also seems to me that it is hardly its duty to criticise the policy of Government as it has done from time to time in the course of its deliberations.

Mr. S. Satyamurti: Why not? You are more loyal than the King. The Finance Member allows it, but you seem to be worried over it.

Mr. J. Ramsay Scott: The Finance Member gives you a yard, and you take a mile. I would like to impress on Government the need of more speed in dealing with the recommendations of the Committee. I would also like to pay my tribute to Sir James Grigg as our Chairman and to say that he has had quite a herculean task in keeping his stables clean.

With these remarks, I support the motion that these three years' reports be taken into consideration.

Captain Sardar Sir Sher Muhammad Khan (Nominated Non-Official): The Honourable Members who have spoken so far on the motion before the House are the Members of the Public Accounts Committee. Whatever has been done in the Committee is the labour of the Public Accounts Committee and it has been embodied in a book which is in the hands of Honourable Members. It should be the convention of the House that the members of the Committee should not speak, but other Members should speak and criticise the report. The Members of the Public Accounts Committee should reply. If other Members do not speak, then let us conclude this discussion. Now, Sir, I find that the Finance Member is going for good. I am an old member of the Public Accounts Committee, and I think the House will agree with me that he has done his best to improve the country's finance. We must thank him for doing this and I wish him a long and happy life.

Mr. K. S. Gupta: (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): After the speech of the Nominated Member congratulating the Finance Member, I wish to say that I do not see eye to eye with him with regard to what he has said.

Captain Sardar Sir Sher Muhammad Khan: I am an elected member in the Public Accounts Committee

Mr. K. S. Gupta: My Honourable friend is a Nominated Member of the House. I understand that the scope of the Public Accounts Committee is very limited. It is only intended to see whether the money is under-spent, over-spent or ill-spent

The Honourable Sir James Grigg: Or not spent.

Mr. K. S. Gupta: and to admonish the remissness on the part of the disbursing officers and also scrutinise the defalcations, the business accounts and receipts side of the budget. This Assembly passes the budget in lump sum grants of crores and lakhs. There is no opportunity to get into the minute details of the budget except to discuss the general policies on which the budget is based. This committee has got an opportunity to discuss, but, at the same time, it is starting from a wrong end,

because there is no public finance committee which this House is entitled to have. If the Finance Member or the Government intend to see that the preparation of the budget is also a responsibility of this House . . .

The Honourable Sir James Grigg: I do not wish to rake up that unhappy affair and fight again the battles of yesterday. Perhaps the Honourable Member did not hear the answers to questions asked by his colleague. Certain proposals for such a committee are before the Leaders of Parties in this House.

Mr. K. S. Gupta: In the absence of such a committee, we pass the budget in the dark, giving a free hand to the executive. Members of the Public Accounts Committee are the watchdogs of expenditure. They come in after the thief has escaped, not before the thief attempts to come in. In the absence of such a committee the scrutiny of the Public Accounts Committee is meagre. The Finance Member, autocrat as he is, would not share with us the responsibility of the preparation of the budget.

The Honourable Sir James Grigg: Unfortunately I am not.

Mr. K. S. Gupta: If the Government of India were to respect the recommendations of the Public Accounts Committee, it would very much improve our monetary position. The public services would be purified and they would benefit trade and commerce to a great extent. As for the Railway accounts, there is the Standing Railway Finance Committee. My Deputy Leader has said enough, and I need not say much about it. The members of the Public Accounts Committee have to undergo arduous labour, because the figures are brain racking and sometimes they are deceptive. It had to go into trivial matters, and sometimes it takes several days to understand the figures submitted by the Finance Committee. I am told that the Public Accounts Committee in the House of Commons once spent three days in cross examining disbursing officers for the purpose only of finding whether the quantity of coal shown as burnt for fire places at Westminster was correct or not. In the end, they were able to discover a fraud. I do not know whether similar tenacity is shown by the members of the Public Accounts Committee. I am also told that the Chairman of the Public Accounts Committee in England is the Leader of the Opposition.

The Honourable Sir James Grigg: He is a member of the Opposition—not the Leader.

Mr. K. S. Gupta: Here the Finance Member is the Chairman of the Committee. His own figures are to be questioned. The Finance Member should really be in the position of an accused to defend himself. Instead of that, he presides over the committee and he is its over-lord. There are certain departments where the top-heavy administration is unbearable. For instance, take the Vizagapatam Harbour. There was retrenchment in the lower grades and enhancement of the officers. That is the wonderful result of the administration of the Vizagapatam Harbour. Also, the labour union is unrecognised, and Government do not seem to understand

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that the contentment of the labourers leads to more efficient and economic service. With regard to the Vizagapatam Harbour, this is what is recorded in the evidence in the Report for 1934-35, Vol. II—Evidence:

“Mr. Dow : We are keeping *pro-forma* accounts in the hope that if it is found possible to set up a Port Trust they will be able to take over some part of these liabilities. The whole of Vizagapatam is really one of our liabilities from the boom years.

The Chairman : The revenue deficit is on working account. Over and above that there is loss of interest on the capital expenditure.”

He also says :

“During the construction period the capital expenditure was something like 3-60 crores. That is going to be a capital liability of the port when you set up a Port Trust.

Mr. Satyamurti : So you are going to make a present of 3½ crores to the Vizagapatam harbour.

The Chairman : The Auditor General is going to Vizagapatam to look into things.”

“The Auditor General is going to Vizagapatam to look into things”—that was the answer given. Next year, that is, in the year 1935-36, with regard to the same subject, it was said :

“We were dismayed by the information supplied to us regarding the financial position of Vizagapatam port. We realise that the interests of the Railways and of the areas at present served by Vizagapatam would have to be carefully considered before any decision could be reached with regard to the closing of the port, but we are very doubtful whether the Government of India would be justified in spending any more money on the port unless it is likely to be able to balance its budget in the not distant future. We consider it most important that the whole question should be thoroughly investigated without delay, and we hope that a comprehensive report on the subject will be submitted next year.”

That was what was said in the year 1935-36. Then, there was a report on the administration of the Vizagapatam Port. This is from Volume I for 1936-37, paragraph 4 :

“We considered the comprehensive report on the financial position of Vizagapatam Port asked for by us last year and were glad to note the improvement that had taken place, the receipts for 1937-38 showing a small surplus over working expenditure excluding interest, with no grant-in-aid from Government. We approve of the decision that no further capital expenditure should be incurred unless it can be shown to be definitely remunerative or indispensable in the interests of the Port, and consider that while neither the question of closing the Port nor that of handing it over to the Bengal Nagpur Railway need be pursued for the present, every effort should be made by keeping the expenditure at the lowest possible level to provide for at any rate part payment of the interest due on the capital invested in the Port.”

Then referring to page 91 of the same Volume I find a memorandum on the Vizagapatam Port. It says :

“The original estimate was, however, considerably exceeded as many unforeseen difficulties were encountered during the period of construction. A breakdown in the dredging plant also delayed progress with the result that the total expenditure including accumulated interest, incurred on the construction of the Harbour, amounted to Rs. 3,79-59 lakhs, and instead of being opened to traffic in 1930-31, as expected the port was actually opened late in 1933. The opening of the port thus coincided with a period of acute trade depression and the actual receipts realised during the first few years of its working were considerably less than the original estimates.”

Originally it was thought that only Rs. 241 lakhs would be the total cost, but it has risen to Rs. 3,79.59 lakhs. Who is responsible for this—wrong estimating or inflated expenditure on the part of such an enterprise? It says, "the opening of the port thus coincided with a period of acute trade depression". That is the excuse for the decline in the revenues of the port. Now it gives the figures. The original estimated gross receipts were for 1930-31 Rs. 19,19,000 whereas the actual gross receipts were for 1934-35 Rs. 8,23,353, for 1935-36, Rs. 11,25,311, for 1936-37 only Rs. 10,81,568, and for 1937-38, Rs. 15,31,757. Now with regard to the figure I read out Rs. 19,19,000 which was the estimated gross receipt, it is said in the memorandum:

"It is not possible to forecast the future position with absolute accuracy on the basis of the figures of past years, or even on the results of 1937-38, as the expenditure was inflated owing to some of the staff being on high temporary rates of pay, which have been and are being reduced as permanent posts are being created to replace temporary ones."

Sir, because they were temporary, therefore they must pay them more—this is wonderful. Then there was a Conference of the Port authorities and the Departments of Government, masters and the servants joined together, and they said:

"Moreover, the combined Railway and Harbour Scheme has led to economic readjustments in the port's hinterland, to the undertaking of commitments by various commercial and industrial firms and to increased facilities for business generally which must be reflected in the profits of business concerns and consequently in the general welfare of the people."

Then, the last sentence which I shall quote *in extenso* because I asked several questions about the rates and other aspects and always the replies were evasive and dodging: never was a straight answer given with regard to the port of Vizagapatam:

"The question of comparative Railway rates from stations in the Central Provinces to Vizagapatam and Calcutta referred to in paragraphs 11 and 12 of Mr. Lilley's memorandum was also discussed in the Conference held last year and action where necessary will be initiated by the Administrative authorities of the Port for the removal of any anomalies that may exist by representations to the authorities of the Railway concerned. The Central Government are of opinion that, having regard to the considerations set forth in the previous paragraphs, neither the question of closing the port nor that of handing it over to the Bengal Nagpur Railway should be pursued for the present."

But, recently, I saw an article in the *Madras Mail*, dated the 23rd January, 1939, that there is a proposal to hand it over to the B. N. R., because it is a company railway and a company would be better for managing the port than the Government itself which is far away, hundreds of miles away from the port of Vizagapatam. If this is in contemplation, I do not know what the Central Government is thinking about it, but the causes of the present state of affairs—that is, the failure of the port of Vizagapatam as an enterprise—are the following, as far as I can understand, and collected some figures with regard to the working of the administration here. Now about the European officers, one Traffic Manager and Deputy Administrative Officer and two Assistants to Traffic Manager, on a salary of over Rs. 2,500 for the Traffic Manager and on Rs. 500 to Rs. 800 for the Assistant to the Traffic Manager, with also a very heavy office staff. Then there is a Port Engineer (Indian) on Rs. 1,000 a month, with a heavy staff for office. Then there are four Overseers of whom one is a Marine Overseer. Then a Harbour Master getting Rs. 1,500 per

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month. Then there are four pilots on salaries ranging from Rs. 500 to Rs.800. This is all for what? There are ships entering on an average one ship per day, and there is top-heavy administration—as has been often admitted—in the reports, there is a signal staff with four stations. The signal staff consists of a head signaller, a signaller and about 9 flag signalmen. All this could have been easily managed with only two stations and four signallers. Now formerly a Port Officer on Rs. 500 to Rs. 700 a month used to manage 4 ports,—Vizagapatam, Binulipatam, Kalingapatam and Gopalpur. Now, though there is little work for the port officer, he is given nearly Rs. 1,500! With regard to improving the harbour or the hinterland around the Railway which runs from the Central Provinces to Vizagapatam port that was never undertaken by the Railway which it had been originally intended to do. But the Government have to depend upon the interested reports of the Harbour Officers managing the port. There is a public opinion in and around Vizagapatam that it is better that the harbour should be transferred to the Bengal Nagpur Railway so that it may be a very fruitful concern.

Lastly, there is another funny point, and it is this. The European officers who have been lately under the control of the Port Engineer have been declared to be independent of him because he happens to be an Indian now. The Port Engineer originally was a European.

Mr. President (The Honourable Sir Abdur Rahim): It is five o'clock now. The Honourable Member can continue his speech tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 8th February, 1939.

CORRIGENDA.

In the Legislative Assembly Debates, Delhi (Special) Session, 1938,—

- (1) Vol. VII, No. 8, dated the 23rd November, 1938, page 3313, last line, *for* "in April" *read* "on the 18th March";
- (2) Vol. VII, No. 13, dated the 1st December, 1938,—
 - (i) page 3624, line 18 from the bottom, *insert* "Nursing" *after* "Military";
 - (ii) page 3635—
 - (a) in line 2 of the italicised heading of the statement, *for* "Royal Indian Marine" *read* "Royal Indian Navy";
 - (b) in column 6 of the statement, *delete* the figure "2" *against* "flour";
 - (iii) page 3636—
 - (a) in the first entry in column 2 of the statement, *for* "met" *read* "meat";
 - (b) in line 2 of Note 4, *for* "3 ozs." *read* "6 ozs.";
 - (iv) page 3638, line 2 of the answer to part (d) of starred question No. 1672, *for* "Crops" *read* "Corps";
- (3) Vol. VIII, No. 2, dated the 6th December, 1938,—
 - (i) page 3880, line 12 from the bottom, *for* "part (d)" *read* "part (b)";
 - (ii) page 3890, in column 3 of the statement, against serial No. 22, *for* "38-0" *read* "380-0";
- (4) Vol. VIII, No. 5, dated the 9th December, 1938,—
 - (i) page 4176, line 2 of the answer to part (b) of starred question No. 2002, *delete* "only" occurring after "Premier";
 - (ii) page 4199, line 3 of the answer to part (b) of starred question No. 2027, *for* "ledgers" *read* "leaders".

LEGISLATIVE ASSEMBLY.

Wednesday, 8th February, 1939.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBER SWORN.

Mr. Kenneth Grant Mitchell, C.I.E., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

LANDS LEASED TO INDIANS IN FIJI.

187. *Mr. T. S. Avinashilingam Chettiar: Will the Secretary for Education, Health and Lands state :

- (a) at what stage the negotiations with His Majesty's Government are with regard to the matter of evolving a permanent land tenure of the lands leased to Indians in Fiji;
- (b) whether they have come to any definite conclusion in the matter; and
- (c) how many leases to Indians will terminate in the year ending with 31st March, 1939?

Sir Girja Shankar Bajpai: (a) and (b). The matter is still under correspondence with His Majesty's Government.

(c) Government understand that 419 leases of native lands expired during the calendar year 1938.

Mr. T. S. Avinashilingam Chettiar: What is the total number of leases?

Sir Girja Shankar Bajpai: The total number is 6,285.

Mr. Badri Dutt Pande: How many leases were cancelled?

Sir Girja Shankar Bajpai: Two were cancelled, 180 were renewed, and 160 are still under consideration.

Mr. Manu Subedar: What is meant by "native lands"?

Sir Girja Shankar Bajpai: Lands belonging to the community of native Chiefs of Fiji.

Mr. T. S. Avinashilingam Chettiar: I think my Honourable friend referred to the figures of 1938. May I know figures for 1939?

Sir Girja Shankar Bajpai: The year has just started. I cannot give him the figures.

Mr. T. S. Avinashilingam Chettiar: How many are due to be terminated in 1939?

Sir Girja Shankar Bajpai: I can make enquiries about that.

Mr. S. Satyamurti: May I know whether Government have any information as to the principles or considerations in which leases which expired during the last calendar year have been renewed or even rejected, or are still under consideration?

Sir Girja Shankar Bajpai: I believe the ordinary principle governing consideration of these leases is to carry on the tenant until such time as a long range policy has been determined.

Mr. S. Satyamurti: May I know from that point of view whether all these leases which are under consideration will be automatically renewed?

Sir Girja Shankar Bajpai: I could not say automatically, because as my Honourable friend has already been informed, out of these 426, two were not renewed, presumably for special reasons. I think my Honourable friend may rest assured that the policy of the Government of Fiji itself is to carry on these temporary leases until such time as the question of security of tenure for Indian lessees has been satisfactorily adjusted.

Mr. S. Satyamurti: May I know then why these two leases have been refused renewal? May I know at least whether Government have ascertained or will ascertain the reason why in these two cases the leases were not renewed?

Sir Girja Shankar Bajpai: My Honourable friend will appreciate the fact that if out of 420 leases or so, two are not renewed, there must be some very special circumstances to justify such refusal. I do not think we would be justified in making enquiries of detail into isolated cases like that.

Mr. T. S. Avinashilingam Chettiar: May I know whether the time for the renewal of a majority of leases falls next year?

Sir Girja Shankar Bajpai: No, Sir. As I have informed the House on a previous occasion, it is either 1941 or 1942, and not 1939.

Mr. K. Santhanam: May I know if the leases held by European lessees are for long terms?

Sir Girja Shankar Bajpai: With regard to all non-Fijians whether they are Europeans or Indians, maximum term is thirty years.

Mr. T. S. Avinashilingam Chettiar: When do they expect to come to a conclusion over this matter?

Sir Girja Shankar Bajpai: I cannot fix a time as to when the thing will be concluded, but I can tell him that we recognise both the urgency and the importance.

Mr. S. Satyamurti: May I know whether Government will take steps to see that, before a majority of leases fall due in 1941 or 1942, the Fiji Government are persuaded to come to a settlement on the large question of policy?

Sir Girja Shankar Bajpai: As a matter of fact—perhaps my Honourable friend does not recollect it,—last session I answered a question, in which I stated that through the mouth of the Governor of Fiji, it had already been announced that it was the intention of His Majesty's Government to settle up the affair, to take charge of all these native lands and then develop them on some basis of security of tenure.

SCHEME TO SETTLE JEWS ON THE KENYA HIGHLANDS.

188. *Mr. T. S. Avinashilingam Chettiar: Will the Secretary for Education, Health and Lands state :

- (a) whether there is a scheme to settle Jews on the Kenya Highlands;
- (b) whether, in that case, the imported Jews from an alien country will have rights denied to Indians settled in Kenya;
- (c) whether Government have represented this matter to His Majesty's Government, and, if so, whether they have received any replies; and
- (d) if so, to what effect?

Sir Girja Shankar Bajpai: (a), (b) and (c). The attention of the Honourable Member is invited to the replies given by me on the 14th November, 1938, to starred questions Nos. 1212 and 1223 and the supplementaries thereto. His attention is also invited to the supplementaries arising out of Mr. Satyamurti's starred question No. 1373 on the 22nd November, 1938.

(d) The policy of His Majesty's Government regarding the settlement of refugees in the Empire was set forth in the statement made by the Prime Minister in the House of Commons on the 21st November, 1938. The Government of India have been informed that in view of that policy it is not possible to reconsider the plan under which a small number of Jewish refugees will be settled in Kenya.

Mr. S. Satyamurti: May I know whether, before the British Prime Minister made a declaration of policy, the Government of India were consulted in respect of this matter?

Sir Girja Shankar Bajpai: The Prime Minister's declaration, as my Honourable friend will find from the statement itself, was made not with reference to Kenya only but with reference to all British colonies.

Mr. S. Satyamurti: So far as Kenya is concerned, in view of the fact that the proposal is to settle the Jews on the lands which have been so far administratively denied access to Indians, I want to know whether the

Government of India were consulted before the British Prime Minister committed himself to a policy of permitting a limited migration of Jews into the Highlands.

Sir Girja Shankar Bajpai: With regard to that, I think my Honourable friend will remember what I have said to the House more than once before, namely, that in so far as this practice of denying admission of Indians to the Highlands for the purpose of holding lands is concerned, it is under an existing law. In other words, the admission of these Jews to this privilege is not an extension of the existing administrative practice, but merely an application to the Jews of the old practice which has been followed for some time past. And I have also informed the House that the Government of India did not acquiesce, never have acquiesced and do not propose to acquiesce in that policy; that is the aspect which we are still pursuing.

Mr. S. Satyamurti: May I know whether the Government of India have any information as to the extent or the number of lands or the number of Jews who are likely to be settled under the Prime Minister's scheme in Kenya?

Sir Girja Shankar Bajpai: I gave information on that point previously to the House. The idea is to settle not more than 150 people at the outside. In the first stage, which is to be purely experimental, as far as I know, settlement is to be limited to 25 individuals.

Mr. T. S. Avinashilingam Chettiar: With reference to part (b), I heard the Honourable Member say that Government do not propose to acquiesce that the Jews will have better rights than Indians settled there. What steps have Government taken in this matter if they do not acquiesce is this proposal?

Sir Girja Shankar Bajpai: That question has been answered previously.

Mr. T. S. Avinashilingam Chettiar: The Honourable Member said on the previous occasion that Government are taking up the matter with His Majesty's Government and that they are not going to acquiesce in that idea?

Sir Girja Shankar Bajpai: Beyond the fact that His Majesty's Government should be kept apprised of the objection on principle on the part of the Government of India to this discrimination in favour of non-British subjects, I do not know what the Honourable Member wishes us to do.

Mr. Manu Subedar: Will the Honourable Member assure the House that he will represent to His Majesty's Government that Indians should not be treated worse than Germans or others who all along belonged to enemy nationality?

Sir Girja Shankar Bajpai: That point, I can assure my Honourable friend, has already been impressed upon His Majesty's Government.

Mr. K. Santhanam: Have the Government of India any scheme for settling Indians in Kenya Highlands?

Sir Girja Shankar Bajpai: I submit that question of the Government of India settling Indians in Kenya does not arise.

APPOINTMENT OF INDIAN AGENTS IN BRITISH COLONIES.

189. *Mr. T. S. Avinashilingam Chettiar: Will the Secretary for Education, Health and Lands state :

- (a) whether Government have received replies from His Majesty's Government with regard to the proposal of appointing Indian Agents in some of the British colonies,
- (b) if so, to what effect; and
- (c) in which colonies they propose to appoint agents?

Sir Girja Shankar Bajpai: (a)—(c). I have nothing to add to the information I furnished in reply to the Honourable Member's starred question No. 1296 on the 17th November, 1938.

Mr. T. S. Avinashilingam Chettiar: The answer on the last occasion was that Government have not heard from His Majesty's Government?

Sir Girja Shankar Bajpai: My answer still is we have not heard from His Majesty's Government.

Mr. S. Satyamurti: Since that date, has any progress been made in this matter, that is, since November, 1938?

Sir Girja Shankar Bajpai: Just one particular aspect of the matter has been taken up with His Majesty's Government again, namely, the question of the appointment of an Agent in Fiji, because that is urgent.

Mr. S. Satyamurti: May I know whether Government will take up with His Majesty's Government the question of obtaining freedom to appoint Agents in all British Colonies or possessions, where there are vital or large Indian interests, without specific reference to His Majesty's Government from time to time?

Sir Girja Shankar Bajpai: The position as regards that is this: that it is no use asking for general rights, inasmuch as His Majesty's Government always wish to be satisfied that, in the particular case, there is justification for the Government of India having a representative. I have already informed the House that the Government of India, on the basis of the interest of Indians in the different colonies, have been asking for the appointment of Agents in East Africa, Fiji, and British Guiana. As regards East Africa my Honourable friend knows that it has been represented to the Government of India that the Indian community do not want an Agent there. As regards British Guiana Mr. Tyson is there. I have already mentioned to the House the bearing of that deputation on this question of the appointment of an Agent. As regards Fiji I have just told my Honourable friend that we have again taken it up recently with His Majesty's Government.

Mr. Manu Subedar: In view of the worsening of the position in Ceylon and since the last reply was given by the Honourable Member, may I know whether Government are considering the proposal for the appointment of an Agent General in Ceylon?

Sir Girja Shankar Bajpai: There is already an Agent in Ceylon.

Mr. S. Satyamurti: With regard to Fiji, may I know whether the attention of Government has been drawn to the resolutions of a conference, at which, I think, Pandit Hirday Nath Kunzru was present or presided, where they have pressed upon the Government of India the very urgent need for appointing an Agent to look after Indian interests there?

Sir Girja Shankar Bajpai: I think I answered a question on that point from my Honourable friend Pandit Badri Dutt Pande the other day. I then informed him that this resolution has been received by the Government of India.

REPORT OF THE MARINE COURT OF ENQUIRY HELD AT KARACHI ON THE BANDRA BOAT DISASTER.

190. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Commerce be pleased to state whether he is aware of the report of the Marine Court of Enquiry held at Karachi on the *Bandra* Boat disaster in the Keamari harbour resulting in the loss of five lives of college students?

(b) Will the Honourable Member be pleased to state what have been the findings of the Court of Enquiry?

(c) Is it a fact that the Chairman of the Court of Enquiry has held the Master of the Boat responsible for the disaster?

(d) What steps do Government propose to take in the matter?

(e) What steps do Government propose to take to see that adequate compensation is given to the relatives of the deceased students?

(f) What steps do Government propose to take to guard against such incidents in future?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have received the proceedings and report of the Court of Formal Investigation into the accident referred to.

(b) and (c). I would refer the Honourable Member to the proceedings and report, copies of which are in the Library of the House.

(d), (e) and (f). The report of the Court is still under the consideration of the Government of India.

Mr. Lalchand Navalrai: May I know what powers the Government of India have in respect of investigating into this matter themselves and punishing the people who are responsible for it?

The Honourable Sir Muhammad Zafrullah Khan: Investigation has been carried out, as I have informed the Honourable Member, by the Court of Formal Investigation and the report has been received. The Government of India will consider the report and take such action as may be called for.

Mr. Lalchand Navalrai: I am asking if the Government of India have got power to prosecute these people if they are found guilty.

The Honourable Sir Muhammad Zafrullah Khan: If they are found to have committed offences obviously they can be prosecuted.

Mr. Lalchand Navalrai: Has the Honourable Member received a representation from one Mr. Dingomal Gurmukhadas Mirchandani giving him all information and asking for compensation?

The Honourable Sir Muhammad Zafrullah Khan: Obviously I must have notice of this question. I receive so many documents, and I do not keep a list of them.

LOSS OF INDIAN LIVES AND PROPERTY IN BURMA RIOTS.

191. *Mr. T. S. Avinashilingam Chettiar: Will the Secretary for Education, Health and Lands state :

- (a) whether the extent of the loss of Indian lives and property in the recent Burman riots has been estimated;
- (b) whether compensation has been claimed for those losses;
- (c) what is the total number of persons who have applied for and received compensation; and
- (d) what is the present situation in Burma?

Sir Girja Shankar Bajpai: I have nothing to add at present to the information supplied to the House last Saturday in the course of statements made by the Honourable Sir Jagdish Prasad and by me in this House on Sir Abdul Halim Ghuznavi's adjournment motion.

Mr. T. S. Avinashilingam Chettiar: Sir, I submit that information was not supplied with regard to parts (b) and (c).

Sir Girja Shankar Bajpai: Yes, Sir, it was. If my Honourable friend will refer to Sir Jagdish Prasad's statement he will find that he specifically referred to two of the terms of reference of the committee of inquiry, namely, loss of life and property.

Mr. T. S. Avinashilingam Chettiar: In part (c) we want to know the total number of persons who have applied for and received compensation.

Sir Girja Shankar Bajpai: When it was stated in the course of the speech the other day that the question of loss has been referred to this riot inquiry committee and is also under discussion with His Majesty's Government or, rather, with the Secretary of State for Burma, I do not see how I can answer a question as to how many people have received compensation.

Mr. T. S. Avinashilingam Chettiar: The Honourable Member should be able to say how many people have applied for compensation.

Sir Girja Shankar Bajpai: I cannot say; they must have applied to the tribunal.

Dr. Sir Ziauddin Ahmad: Are the Government of India neutral in this matter and know nothing about it and will simply throw the responsibility on the Burma Government and the Home Government?

Sir Girja Shankar Bajpai: I think my Honourable friend need not make that assumption.

Dr. Sir Ziauddin Ahmad: Then may I ask the Honourable Member to inform this House as to how many people have applied for compensation?

Sir Girja Shankar Bajpai: I have already informed the House that requests for compensation have been, as far as I know, submitted to this riot inquiry committee. The Government of India have no information as to how many people have applied for compensation.

Mr. S. Satyamurti: With reference to part (d) of the question, may I know what is the latest telegram or letter in possession of Government as regards the latest situation in Burma, and also whether the attention of Government has been drawn to the answer of the Secretary of State for Burma in the House of Commons reported (I think) this morning as regards certain steps being taken by the Burma Government? If so, may I know what those steps are?

Sir Girja Shankar Bajpai: I have seen the statement of the Under Secretary of State for India, which was made in the House of Commons, and published yesterday and not this morning. All the steps that he had in view are the steps which I stated in the course of my reply the other day on the adjournment motion. There is nothing new as far as I know.

Mr. S. Satyamurti: May I know what is the latest telegram in regard to the situation in Burma, or what is the latest information in possession of Government?

Sir Girja Shankar Bajpai: The Agent's report which was received by us yesterday has nothing fresh to add to the information which I gave on Saturday.

SCHEME FOR THE REGISTRATION OF DOCK LABOUR.

192. *Mr. N. M. Joshi: With reference to his reply to my starred question No. 877, given on 9th September, 1938, will the Honourable Member for Labour be pleased to state whether Government have completed their further consideration of the scheme for the registration of Dock labour and, if so, what is the result of the consideration?

The Honourable Sir Muhammad Zafrullah Khan: Consideration of the scheme has not yet been completed.

Mr. N. M. Joshi: May I know when it is likely to be completed?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I am unable to specify a date.

REPORT OF THE TARIFF BOARD ON SILK INDUSTRY.

193. *Sardar Mangal Singh: Will the Honourable the Commerce Member please state :

- (a) whether the report of the Tariff Board on the Silk Industry has been presented to the Government of India;
- (b) when the report will be published; and
- (c) whether this House would be given an opportunity to discuss this report during this Session?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes, Sir.

(b) and (c). Government cannot come to a decision on these matters until they have finished consideration of the Report.

Sardar Mangal Singh: May I know when the report was received?

The Honourable Sir Muhammad Zafrullah Khan: A few days ago.

Mr. S. Satyamurti: May I know whether Government propose to persist in the policy of not publishing the reports, and not taking the opinion of the House and the public before they come to conclusions on the Tariff Board reports, and if so, why?

The Honourable Sir Muhammad Zafrullah Khan: I have nothing to add to the reply that I gave on this subject in the last Simla Session.

Mr. S. Satyamurti: The Honourable Member then said that Government propose to publish this report, only after they have made up their mind and come to conclusions on these Tariff Board recommendations. I am asking the reasons why Government do not propose to consult this House or public opinion in matters in which the public are vitally interested.

The Honourable Sir Muhammad Zafrullah Khan: Surely the public has or at any rate the interests concerned have, plenty of opportunity to put forward their views before the Tariff Board.

Mr. S. Satyamurti: But after the Board has reported, have the interests any opportunity of approaching the Government of India for putting forward their points of view, without knowing the recommendations of the Tariff Board?

The Honourable Sir Muhammad Zafrullah Khan: The recommendations of the Board are made on consideration of the evidence put before them. Surely if all points of view have been put before the Board there must be finality at some stage.

Mr. S. Satyamurti: Why is this House not consulted, before Government make up their mind on these recommendations?

The Honourable Sir Muhammad Zafrullah Khan: The House is consulted on the conclusions at which Government have arrived when legislative proposals are placed before the House.

Dr. Sir Ziauddin Ahmad: Will Government depart from their previous practice of not publishing the Tariff Board report but making up their own mind and bringing forward a Bill to change the tariff and then publishing the report only after the Bill has been discussed?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir; the report is published as soon as the conclusions of Government on the report are published.

Mr. K. Santhanam: May I know if the decision will be arrived at before the end of the Session?

The Honourable Sir Muhammad Zafrullah Khan: I am very much afraid I could not say. I believe the report was received only a few days ago. There is some difference among the members and it will take some time to come to decisions.

Mr. S. Satyamurti: May I know if the Government of India will be good enough to publish the report of the Tariff Board after they make up their mind on the recommendations and in good time before the publication of the Bill so that the House may have an opportunity of studying the report and giving its opinion and verdict on the Bill with sufficient knowledge?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member has raised that point before.

Mr. Manu Subedar: In view of the dumping from Japan of which the trade is complaining, will the Honourable Member assure the House that he will expedite as much as possible the decisions of Government on this matter?

The Honourable Sir Muhammad Zafrullah Khan: I am unable to accept the premise put forward by the Honourable Member without looking into the matter, but I can assure him that Government will proceed with the examination of the matter as quickly as possible.

POSITION IN REGARD TO THE COMING OF FEDERATION.

194. *Sardar Mangal Singh: Will the Honourable the Leader of the House please state:

- (a) whether the attention of the Government of India has been drawn to the remarks made by Lord Meston, President of the Liberal Party Organisation, in the course of his speech to the Geographical Associations' Conference in London, on the 4th January (published in the *Tribune*, dated the 5th January, 1939) to the effect that "It would not be surprising if Federation is not to be accomplished for some considerable time, as so many are opposed to it";
- (b) whether the Honourable the Leader of the House is in a position to contradict or confirm the statement, in so far as it relates to facts; and

- (c) whether the Leader of the House can make a statement on the latest position in regard to the coming of Federation?

The Honourable Sir Nripendra Sircar: (a) Government have seen the statement referred to.

(b) Surely the Honourable Member does not expect me to confirm or contradict a personal opinion expressed by a private individual.

(c) I invite the Honourable Member's attention to the reply I gave to Mr. Avinashilingam Chettiar's question No. 34 on the 4th February, 1939.

Mr. S. Satyamurti: Since the instruments of accession have been sent to the various princes, have the Government of India heard from any prince or princes in answer to their letter sending the instrument of accession?

The Honourable Sir Nripendra Sircar: I gave an answer to that question the other day and I give the same answer now, that I am not prepared to answer that question, in the public interest.

LIFE OF THE LEGISLATIVE ASSEMBLY.

195. *Sardar Mangal Singh: Will the Honourable the Leader of the House please state:

- (a) whether the life of the Central Assembly would be further extended for another year; or
- (b) whether the fresh general elections for the Central Assembly would be held this year; and
- (c) when the announcement to this effect would be made?

The Honourable Sir Nripendra Sircar: (a) to (c). I have nothing to add to my reply to Mr. Satyamurti's starred question No. 1230 asked on the 14th November, 1938.

Mr. S. Satyamurti: With reference to the answer to part (c), may I know whether Government will consider the desirability of informing this House as early as possible so that we may prepare for our next election?

The Honourable Sir Nripendra Sircar: Government cannot make any announcement until their mind has been made up.

Mr. S. Satyamurti: In making up their mind, will Government take into consideration the fact that elected Members of this House have got to prepare themselves for the election, and that they must have adequate time to do that?

The Honourable Sir Nripendra Sircar: That is a matter which is very well-known to Government, and it cannot escape their consideration.

Dr. Sir Ziauddin Ahmad: Will the Honourable Member give this information whether the next election will be direct or indirect?

Mr. President (The Honourable Sir Abdur Rahim): Next question.

AMENDMENT OF SECTION 85 OF THE GOVERNMENT OF INDIA ACT, 1935.

196. *Sardar Mangal Singh: Will the Honourable the Leader of the House please state:

- (a) whether Government have asked His Majesty's Government to amend section 85 of the Government of India Act, 1935, in view of the several rulings of the Speakers of the Provincial Legislative Assemblies;
- (b) what reply they have received from His Majesty's Government; and
- (c) whether Government are still pursuing the matter, or whether they have dropped the matter altogether?

The Honourable Sir Nripendra Sircar: (a), (b) and (c). Government have brought to the notice of His Majesty's Government the difficulties which the provisions of section 85 of the Government of India Act, 1935, are giving rise in the Provinces. The Secretary of State has taken note of these difficulties and will consider when the appropriate opportunity presents itself whether means can be devised for meeting them.

Sardar Mangal Singh: What is the reply to part (b), whether they have received any reply from His Majesty's Government?

The Honourable Sir Nripendra Sircar: That is implied in my answer when I said that the Secretary of State has taken note of these difficulties and will consider when the appropriate opportunity presents itself whether means can be devised for meeting them. That is the reply.

Mr. S. Satyamurti: What are the means which the Government of India have suggested to the Secretary of State? Have they suggested any amendment of the Act or some uniformity of interpretation to be laid down by the Federal Court or competent authority?

The Honourable Sir Nripendra Sircar: I am really sorry I cannot answer that question without notice. I have no recollection.

Mr. S. Satyamurti: I am asking, because different rulings are being given by different Speakers, in view of the wording of the section as regards the language. In view of the fact that uniformity is necessary in this matter may I ask whether Government have suggested an amendment of the Act, or uniformity of interpretation?

The Honourable Sir Nripendra Sircar: As I said I am not prepared here with this information. If my Honourable friend will give notice, then I shall consider whether I can answer it or not.

Mr. S. Satyamurti: May I ask you, Sir, whether this matter is going to be considered in any conference of the Speakers of the various Houses as regards the interpretations of this section, that is the language to be used in the various Assemblies under section 85 of the Act?

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not know whether any conference is going to be held.

PRICE OF PETROL IN CERTAIN PLACES.

197. *Mr. Brojendra Narayan Chaudhury: Will the Honourable Member for Commerce please state the current retail selling prices for petrol in Calcutta, Bombay and Delhi, and whether the prices have been reduced during the previous twenty four months? If so, how many times and when?

The Honourable Sir Muhammad Zafrullah Khan: Information has been called for and will be laid on the table of the House when received.

Dr. Sir Ziauddin Ahmad: Is not the Honourable gentleman familiar that this particular trade by means of combine and monopoly is really robbing the consumer and charging very high prices. and, if so, will Government take any legislative action against it?

The Honourable Sir Muhammad Zafrullah Khan: The question does not arise out of the reply I have given.

Mr. T S. Avinashilingam Chettiar: May I know whether they have also called for information in the matter whether the prices of petrol as sold by various companies is the same in the same place?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member can put down a question to that effect.

VILLAGE COMMUNITIES ORDINANCE ENACTED IN CEYLON.

198. *Mr. Abdul Qaiyum: Will the Secretary for Education, Health and Lands please state:

- (a) whether the Village Communities Bill has been enacted as an ordinance in Ceylon;
- (b) its effect on the franchise of Indian labourers;
- (c) how many Indian labourers will be affected by it;
- (d) whether it still discriminates against the Indians in favour of the Sinhalese labourers;
- (e) whether Government, or the Indian community in Ceylon, are satisfied with this measure; and
- (f) the steps taken or proposed to be taken to improve the measure?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (d) to (f). The attention of the Honourable Member is invited to the reply given by me to Mr. Satyamurti's starred question No. 1300 on the 17th November, 1938.

(c) Approximately four lakhs.

Mr. Abdul Qaiyum: May I know if the Indian community in Ceylon has made representations against this Ordinance?

Sir Girja Shankar Bajpai: Yes; representations have been received from the Indian community in Ceylon.

Mr. Abdul Qaiyum: May I know if the effect of the Ordinance will be that, in spite of the refusal of the vote to Sinhalese, they will somehow or other come on the voters' list, while the Indians will be kept out?

Sir Girja Shankar Bajpai: In answer to a question on a previous occasion, I stated that there was that possibility. How many of them will come on I cannot say.

SERVING OF NOTICE ON THE BRITISH GOVERNMENT TERMINATING THE OTTAWA TRADE AGREEMENT.

199. *Mr. Abdul Qaiyum: Will the Honourable Member for Commerce please state:

- (a) whether Government have served a formal notice on the British Government terminating the Ottawa Agreement; and
- (b) when the said notice was served, and the date on which it is due to take effect?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Notice of termination of the Ottawa Agreement was given in May, 1936, but in October of that year it was agreed that pending the conclusion of a new Agreement the Ottawa Agreement should continue in force subject to termination at three months' notice by either side. Formal notice of termination of this temporary arrangement has been given to His Majesty's Government in the United Kingdom. The period of notice will expire on the 31st March, 1939.

Mr. Abdul Qaiyum: What is the intention of Government? Is there any likelihood of a new trade pact being signed between the two countries before then?

The Honourable Sir Muhammad Zafrullah Khan: There is a question down to that effect. But I hope so.

NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT.

200. *Mr. Abdul Qaiyum: Will the Honourable Member for Commerce please state:

- (a) whether he has read the United Press message in the *Hindustan Times*, dated the 1st January, 1939, under the caption "Indo-British Trade Pact";
- (b) whether a new Trade Agreement between the United Kingdom and India has been or is being drafted;
- (c) whether the terms have been tentatively agreed upon;
- (d) if so, the nature of those terms; and
- (e) whether the said draft will be placed before this Assembly and whether the same will not be initialled unless approved by this House?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have seen the report.

(b) to (e). I would refer the Honourable Member to the answers to the supplementary questions arising out of Mr. T. S. Avinashilingam Chettiar's question No. 35 on the 4th instant.

Mr. Manu Subedar: May I know at what stage it is proposed by the Honourable Member to ascertain the views of the interests which will be affected by the terms which may have been negotiated?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member is making assumptions.

Mr. Abdul Qaiyum: May I know what the answer is to part (e) of my question?

The Honourable Sir Muhammad Zafrullah Khan: I think there is a question No. 225 lower down on that; but the answer is that, as I have said before, it is Government's intention that the final decision of Government shall await the consideration of this matter by this House.

Mr. Manu Subedar: May I know whether opportunity will be given to the interests affected by the changes of tariffs brought about by any agreement which may be made? I am merely asking whether opportunities will be given to those interests to represent to Government.

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member is aware that there has throughout been continuous consultation with representatives of those interests.

Mr. Abdul Qaiyum: May I take it that at least in this particular case the House will be consulted before any agreement is arrived at?

The Honourable Sir Muhammad Zafrullah Khan: There must first be an agreement arrived at before it can be put to the House. But as to whether the agreement shall be put into effect or not, a decision on that particular point will not be taken until the House has been consulted: at least that is the present intention of Government.

Mr. S. Satyamurti: May I know whether the draft will be placed before the House and the House given at least a week's time before we are asked to vote upon it, so that we can study all the relevant documents—I am told that there are 14 documents embodying *inter alia* the opinions of non-official advisers—before discussing them?

The Honourable Sir Muhammad Zafrullah Khan: I could not undertake that a certain period will necessarily be given; but as I have said before, Government will make every effort that there should be sufficient time for Honourable Members to study all relevant material before the matter is moved in the House.

TRADE AGREEMENT BETWEEN INDIA AND THE UNITED STATES OF AMERICA.

201. *Mr. Abdul Qaiyum: Will the Honourable Member for Commerce please state:

- (a) whether the President of the India Chamber of Commerce of America recently visited this country to enlist support for a trade pact between India and the United States;

- (b) whether he had an interview with the Honourable the Commerce Member;
- (c) the attitude of the Government on this point; and
- (d) the benefits likely to accrue to India from such a trade pact?

The Honourable Sir Muhammad Zafrullah Khan: (a) He is on a visit to India but I do not know the object of his visit.

(b) Yes.

(c) and (d). The Honourable Member's attention is invited to the replies given on the 8th December, 1938, to the supplementaries arising from Mr. Satyamurti's starred question No. 1969.

Mr. Manu Subedar: Has any progress been made in the negotiation of a treaty of commerce and navigation between the United States and India?

The Honourable Sir Muhammad Zafrullah Khan: The matter is still being considered between the two Governments.

GRANTS-IN-AID TO THE CHARITABLE EYE HOSPITALS IN DELHI.

202. *Mr. Lalchand Navalrai: Will the Secretary for Education, Health and Lands be pleased to state if information asked for by me in question No. 1804C on the 5th December, 1938, with regard to the charitable eye hospitals in Delhi, has been secured? If so, what is it?

Sir Girja Shankar Bajpai: A statement containing the information required by the Honourable Member was laid on the table of the House on the 3rd of this month.

Mr. Lalchand Navalrai: With reference to the statement to which the Honourable Member referred may I know, Sir, why Rs. 20,000 are given to this Charitable Eye Hospital when it is a charitable institution? Why should Government pay Rs. 20,000 to this charitable institution?

Sir Girja Shankar Bajpai: If no income comes from patients which follows in the case of a charitable Hospital, how is the hospital to run without aid from the State?

Mr. Lalchand Navalrai: Was it not the duty of the Trustees to provide the finances to carry on the charitable work in the Hospital?

Sir Girja Shankar Bajpai: The Trustees undertook to carry on the charitable work, and they did, but the only charity the institution gets is the charity of Government.

Mr. Lalchand Navalrai: May I know, Sir, with regard to clause (e) of the statement which was laid on the table the other day, whether the Honourable Member is aware that patients are not at liberty to purchase their spectacles from any firm they like, and that the workers in this Hospital ask the patients in writing to purchase spectacles from a particular person or firm?

Sir Girja Shankar Bajpai: That is not my information.

Mr. Lalchand Navalrai: Will the Honourable Member see to it that patients are not bound down or compelled to purchase their spectacles from any particular firm or individuals and that they should be given free choice to purchase spectacles from anywhere they like?

Sir Girja Shankar Bajpai: If my Honourable friend will bring to my notice any authentic case of the kind of servitude he has mentioned, I shall look into it.

RESTORATION OF THE TOMB OF SHAH BAHARO NEAR LARKANA IN SIND.

203. *Mr. Lalchand Navalrai: Will the Secretary for Education, Health and Lands be pleased to state, with reference to starred question No. 1776, asked on 5th December, 1938, whether the monument of the tomb of Shah Baharo, near Larkana in Sind, has by now been registered as a protected monument, and whether the question of its conservation has been taken up? If so, with what effect? If not, why not?

Sir Girja Shankar Bajpai: The steps preliminary to the issue of a notification under the Ancient Monuments Preservation Act are being taken. After this has been issued the work of conservation will be undertaken.

CONTEMPLATED BOYCOTT OF INDIAN COTTON BY LANCASHIRE.

204. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Honourable the Commerce Member please state:

- (a) whether he is aware that the Lancashire delegation, after returning from India, have been contemplating boycotting Indian cotton if India did not agree to the terms laid down by the British delegations;
- (b) whether he is taking steps to ensure the purchase of Indian cotton by other countries in the event of Lancashire boycotting Indian cotton; and
- (c) if so, what those steps are?

The Honourable Sir Muhammad Zafrullah Khan: (a) No.

(b) and (c). Do not arise.

Mr. S. Satyamurti: With regard to the reply "No" to clause (a) of this question, may I know, Sir, whether Government have made all necessary and relevant inquiries, and are satisfied that the Lancashire delegation are not contemplating any such boycott?

The Honourable Sir Muhammad Zafrullah Khan: No inquiries are necessary. The figures of cotton exports themselves show that there is no such move in contemplation.

Haj Pilgrims Stranded at Bombay and Karachi.

205. *Mr. Brojendra Narayan Chaudhury: Will the Secretary for Education, Health and Lands please state:

- (a) whether his attention has been drawn to the fact that 200 Muslim pilgrims for Haj from Bengal and Assam have been stranded at Bombay owing to the fact that the Navigation Company, having advertised cheap fares at first have raised the fares on the pilgrims reaching the port, which the pilgrims are unable to pay;
- (b) what steps Government propose to take to help the pilgrims out of the difficulty;
- (c) the functions of the Haj Committees, their relationship with Government, whether it is part of the duties of the Haj Committees to prevent simple villager pilgrims from running into such predicaments and to assist them out of the difficulties;
- (d) the number of Haj Committees in Bengal and Assam, and their headquarters and field of operation; and
- (e) whether about 1,200 pilgrims have similarly been stranded at Karachi port?

Sir Girja Shankar Bajpai: (a) and (b). Government understand that a number of pilgrims arrived at Bombay expecting to be able to secure passages at very low rates but found that they could not obtain passages within their means. Messrs. Turner, Morrison and Co., subsequently granted passages at low rates to those of the pilgrims who were in possession of sufficient funds for their expenses in the Hedjaz. Government do not contemplate any action.

(c) Information regarding the functions of the Port Haj Committees and their relations with Government will be found in the Port Haj Committees Act, 1932. The Provincial Haj Committees are not statutory bodies and their relationship with Government has not been defined. They are independent bodies and are not subordinate to Government. It is the duty of the Port Haj Committee and Provincial Haj Committees to advise and assist pilgrims and to look after their general welfare.

(d) There is one Haj Committee for each of the two Provinces of Bengal and Assam with headquarters at Calcutta and Sylhet respectively; the jurisdiction of each Committee extends to the whole Province.

(e) No. About 200 pilgrims were left behind at Karachi port not because of the rate war in the pilgrim trade but because they were in possession of insufficient funds to defray the cost of their journey.

Mr. Manu Subedar: May I know, Sir, what powers the Government of India have to interfere in this matter and force the steamer companies to do the right thing by intending passengers?

Sir Girja Shankar Bajpai: I don't see how that arises out of this question.

Mr. S. Satyamurti: May I know, whether Government have any information that a number of Hajis were stranded in Bombay, they waited in deputation on the Home Minister there, and it was only on his intervention that the Moghul line agreed to take the pilgrims at their advertised fares?

Sir Girja Shankar Bajpai: Yes, Sir, I am aware of the fact that a number of Hajis with insufficient funds arrived in Bombay and were ultimately enabled to perform the Haj by the Turner, Morrison and Company charging them fares of the value of Rs. 80.

Mr. S. Satyamurti: Are Government also aware that the Moghul line also issued return tickets at Rs. 80 on the 2nd December, 1938, and then raised the fares to Rs. 130 on the 6th December, when the Scindia Steamer had sailed?

Sir Girja Shankar Bajpai: This matter was gone into very carefully by the Government of Bombay on the spot as a result of representations made to the Home Minister there by certain Muslim gentlemen who were interested in this question, and I have been assured by the Government of Bombay that there was no such action on the part of Turner, Morrison and Company.

Mr. S. Satyamurti: Have Government ascertained that certain pilgrims were tempted to go to Karachi by the Moghul line offering them cheap terms, and after their arrival there the terms were raised?

Sir Girja Shankar Bajpai: No, Sir, there is no evidence in the possession of Government to that effect.

Dr. Sir Ziauddin Ahmad: With reference to part (e), may I know whether Government or any Haj Committee made any inquiries that the shortage of funds was due to misunderstanding on the part of the pilgrims as regards the ship's fares?

Sir Girja Shankar Bajpai: No, Sir, the information which I have given with regard to Karachi is based upon a report submitted by the Government of Sind, and the Government of Sind have stated that it is not an unusual feature of the Haj to find people drifting down to Karachi who have not enough funds to defray the cost of the Haj.

Mr. S. Satyamurti: Will Government inquire whether this year several pilgrims were stranded, not because they came with inadequate funds, but because they came with funds which they were persuaded to believe would be enough to meet the advertised fares, and will Government take steps to see that the companies adhere to the rates once advertised?

Sir Girja Shankar Bajpai: So far as the latter part of my Honourable friend's question is concerned, it has been already adequately dealt with by the Honourable the Commerce Member in answer to questions which were asked in the last session. As regards the first part, I have already informed my Honourable friend that neither the Government of Bombay nor the Government of India have any information in their possession to justify the suggestion that there was an active propaganda carried on by shipping companies for these people to go down in expectation of getting very low rates.

Mr. S. Satyamurti: Will Government find out whether or not it is a fact that certain terms were offered in the first instance and the rates were raised afterwards?

Sir Girja Shankar Bajpai: Sir, before I came to this House this morning, I took the trouble to go through the notice issued, and I can assure my friend that I did not find in that notice any mention of any figure at all.

PLACES VISITED AND ARCHÆOLOGISTS, ETC., CONSULTED BY SIR LEONARD WOOLLEY.

206. *Mr. Brojendra Narayan Chaudhury: Will the Secretary for Education, Health and Lands please state the names of the places visited and the archæologists, official or non-official, consulted by Sir Leonard Woolley since his arrival in India, and the date of his arrival and probable date of departure, as also the name of the officer of the Government of India who has expert knowledge of the branch of the subject about which Sir Leonard has been invited to advise?

Sir Girja Shankar Bajpai: I lay a statement on the table. Most of the officers of the Archæological Survey whom Sir Leonard has met have experience of exploration in India.

(1) The principal places visited by Sir Leonard Woolley are :

Lahore, Taxila, Peshawar, Harappa, Mohenjodaro, Muttra, Agra, Ramnagar (U. P.), Allahabad, Kosam, Benares, Patna, Nalanda and Bellary.

(2) The following officers of the Archæological Department accompanied Sir Leonard Woolley during his visits and were consulted by him :

1. Mr. H. L., Srivastava, Superintendent, Archæological Survey, Frontier Circle.

2. Khan Bahadur Maulvi Zafar Hasan, Superintendent, Archæological Survey, Northern Circle.

3. Mr. H. Waddington, Assistant Superintendent, Archæological Survey.

4. Rao Bahadur C. R. Krishnamacharlu, Superintendent for Epigraphy, Madras.

(3) Date of arrival of Sir Leonard Woolley—6th November, 1938.

Probable date of departure—11th February, 1939.

Mr. N. M. Joshi: May I know, Sir, whether this gentleman has made any report of what he has seen here and what his advice is to the Government of India?

Sir Girja Shankar Bajpai: He is now in Delhi preparing his report.

Mr. N. M. Joshi: May I know, Sir, whether the Government of India will publish the Report which he may make?

Sir Girja Shankar Bajpai: I will consider that suggestion, Sir.

Mr. O. N. Muthuranga Mudaliar: May I know, Sir, whether the Director General of Archæology was asked to tour with Sir Leonard Woolley?

Sir Girja Shankar Bajpai: No, Sir, the Director General of Archæology was given no such instructions. It was left to his discretion on which part of the tour he should accompany this gentleman.

Mr. C. N. Muthuranga Mudaliar: May I know, Sir, up to what distance the Director General of Archæology has travelled with Sir Leonard Woolley?

Sir Girja Shankar Bajpai: I am afraid I could not say that without notice.

Mr. C. N. Muthuranga Mudaliar: May I know, Sir, the cost to the taxpayer on account of the extra tour of the Director General with this gentleman?

Sir Girja Shankar Bajpai: I do not think it has meant any extra cost to the Director General of Archæology, because touring is part of his duties.

MURDER OF MR. N. G. MAZUMDAR OF THE ARCHÆOLOGICAL DEPARTMENT.

207. *Mr. Brojendra Narayan Chaudhury: Will the Secretary for Education, Health and Lands please state:

- (a) whether he can supply further details about the attack on and murder of Mr. N. G. Mazumdar and his party in the Dadu district beyond the report given by him in the last Session, and whether it is a fact, as stated by Mr. Savarkar in his presidential address at Hindu Mahasabha Conference at Nagpur that "they (the murderers) asked each one (of Mr. Mazumdar's party)—'Are you a Hindu? If he said 'Aye', he was forthwith shot dead. One Hindu pretended to be a Muslim and he was let go alive and unmolested";
- (b) whether the gossip that there was one Muslim in Mr. Mazumdar's party and he was not attacked, is true; if so, the name of the Muslim and his present address;
- (c) whether the gossip that in order to test whether the members of Mr. Mazumdar's party were really Muslims, the murderers asked them to repeat the *Kalma* and that tutored by the Muslim servant the party did so is true;
- (d) whether Mr. Mazumdar was required to keep with him a substantial amount of cash to pay for the excavations, etc., and what amount, if any, he had at the time;
- (e) whether within four miles of the place of murder, there was a dak bungalow fitted with telephone;
- (f) whether the party pursuing the dacoits were on camels and the dacoits on foot, and whether the pursuing party reached Mr. Mazumdar's camp at noon, as against the dacoits' arrival early morning;
- (g) whether Government are satisfied that the provincial authorities before the event did their best; if not, what representations, if any, have the Central Government made about laches which caused the death of one of their valuable officers; and

- (h) the reason why no armed guard or arms were supplied to Mr. Mazumdar's party, in spite of the fact that the party had to keep substantial amounts of money to pay wages and to go in jungles and hills?

Sir Girja Shankar Bajpai: (a) As regards the first part, a copy of the report of the District Magistrate, Dadu, is laid on the table of the House; as regards the second part, the answer is in the negative.

(b) No.

(c) No.

(d) Yes; Rs. 1,000.

(e) Government have no information.

(f) The available information is contained in the District Magistrate's report.

(g) Government have no reason to believe that the provincial authorities did not do all that they could.

(h) The Honourable Member is referred to the replies given to the supplementary questions asked in connection with his starred question No. 1645 on the 30th November, 1938.

Report of the District Magistrate, Dadu, on the murder of Mr. N. G. Majumdar, Superintendent, Archaeological Survey, dated the 28th November, 1938.

A gang of dacoits consisting of about ten Brohis of Kalat State armed with rifles, guns and swords crossed the border and was seen by a group of Brohis migrators to Sind at about 7 A.M. on the 9th November, 1938. On enquiry from them, the leader of the gang informed the migrators that they were going to Dadu side to the British officers for the restoration of a Brohi married girl under instructions from the Khan of Kalat. The gang proceeded further and at about 3 P.M. of the same day came across a party of camel-men belonging to the camp of the Superintendent of the Archaeological Survey Department who was camping in Rohil-ji-Kund, a solitary spot in the interior of the hills along the Kalat border about 7 miles distant from the Nai Gaj Head works. The dacoits asked for sugar from the camelmen which the latter refused.

2. The dacoits are said to have enquired as to whose camp it was and why he was encamped there. The camelmen are reported to have replied that it was Deputy Sahib's camp and he was engaged in the excavation of the old fort nearby. They then marched onwards and at about 11-30 P.M. reached Kasbo village (Taluka Jphi) which is about 13 miles distant from Rohil-ji-Kund. Here they are said to have purchased parched grain (bhugras) and sweets ('mithai') from one Teja Singh Shop-keeper. On the following day at about 11 A.M. they met one Abdullah Kaheri in a village called 'Miro-Jo-Pat' and asked him to give them meals. They told him that they were Policemen going to headquarters for the verification of their arms. He believed them and gave them food. Proceeding further, they reached the Flood Protective Bund near Tharri Jado Sahib at about 3 P.M. and during the next three hours which they passed in this locality they were seen by different men as they passed by different places while going towards the P. W. D. Regulator near Mitho Village. Crossing the Regulator they made for Kathia which they reached at about 6-30 P.M.

3. It appears that the dacoits came prepared to raid the house of Seth Dhanrajmal whom they found just near the entrance of his Otak along with his guest Seth Pritomal of Kakar. After some conversation the dacoits made a show of going to the house of the Wadero of the village but as soon as Seth Dhanrajmal and his guest entered the Otak, they rushed into it after them. On pain of death Seth Dhanrajmal was asked to surrender all his belongings and like a clever man, that he is he promised to comply without a demur. Seth Pritomal was asked to do likewise

but as obviously he could not comply he was shot dead, evidently in the belief that he was evading to surrender his property. While all this was taking place Seth Dhanrajmal's nephew closed the doors leading from the Otak to the house and removed the ladies, children and valuables from the back door and leaving them in the house of the Wadero of the village returned to the place with a gun and fired a few stray shots here and there. This frightened the dacoits who ran out of the house taking away with themselves a few clothes and other things worth about Rs. 388. On coming out of the place they found some Muslim villagers advancing towards them. Shooting dead the foremost of them, *viz.*, Umar Babar they made good their escape from the village after having remained therein for about an hour. On their way back, they robbed Seth Rupchand, a cousin of Seth Dhanrajmal and a little later one Fakirbaksh, who were returning to Kathia of their horses worth about Rs. 350 and Rs. 90 respectively.

4. Crossing the P. W. D. Regulator near Mitho village the dacoits passed by Pat Gul Muhammad and reached and entered Kasbo village at about 3 A.M. Perhaps they intended to raid this village then but they could not carry out their intention as Wadero Shah Mahomed Laghari, who is the headman of the place took courage and fired a few gun shots in the air as a result of which the dacoits were frightened and resumed their march to the hills from where they had come. At about 7 A.M. on the 11th instant they reached Rohil-ji-Kund where the Archaeological Staff was encamped. The kit was packed and the camp was ready to move to Rajodero. Mr. Majumdar and his party were having their morning tea and intended to leave the place immediately thereafter. The dacoits decided to raid the camp but fearing that the party might have some arms with them they did not fall on them at once. They went to the top of a hill nearby and from the height of about 60 to 70 feet fired a few shots at the party, killing Mr. Majumdar instantaneously and injuring 4 others, *viz.*, Messrs. Chatterji, Sen Gupta, Krishna Dev and Urs Mohammed Chokidar. Thereafter they climbed down the hill and after satisfying themselves that there were no weapons in the camp, they took some of the private and official property of the Archaeological Staff worth about Rs. 4,388 and marched off with 5 camels belonging to persons who had been engaged on monthly wages by the camp. The camel owners followed them for some time entreating them to return their camels but to no avail. The camelmens returned to Rohil-ji-Kund while the dacoits—now on horses and camels—rushed back to the Kalat border which they are said to have reached and crossed by about 1-30 P.M. on the 11th instant.

5. On receiving the information regarding the dacoity at Kathia, the Mukhtiar and Sub-Inspector of Police Khairpur Nathan Shah rushed to the scene of offence which they reached at about 9-30 P.M. The Sub-Inspector immediately arranged a tracking party and with it followed the prints of the dacoits.

6. The next to reach Kathia were the Sub-Divisional Magistrate, Dadu and Sub-Inspector of Police, Rukan who went there at about 11 P.M. on the same night. After studying the situation they went to Mitho Regulator and there they came to know that the tracking party headed by Sub-Inspector, Khairpur Nathan Shah was going to the direction of Pat Gul Muhammad and Nai Gaj. They therefore, decided to go to the Northern side and with zamindari assistance to keep a watch over Salari, Harbab and other passes beyond Mado. With this object in view they went to several villages and securing Zamindari assistance arranged to keep a watch on some Northern Passes in order to stop and arrest the dacoits attempting to cross the border through those passes.

7. The District Superintendent of Police who was encamped at Mehar went to the scene of offence soon after he received the information about the Kathia dacoity, reaching the place at about 11-30 P.M. Like the Sub-Divisional Magistrate, he too went to Mitho Regulator and there he was informed where the tracking party headed by Sub-Inspector of Police, Khairpur Nathan Shah and Sub-Divisional Magistrate had gone. He decided to motor down to the Southern direction and reach Pat Gul Muhammad by a different route, which he did just before the tracking party reached the place. In this village the District Superintendent of Police secured some camels and, accompanied by his Sub-Divisional Inspector, Sub-Inspector Mehar and some policemen and Zamindars, pursued the dacoits. At Kasbo, he learnt that the dacoits had gone to the Nai Gaj side and were about 4 hours ahead of him. He followed them still further and reached Rohil-ji-Kund about 3 hours after the dacoits had raided the Archaeological Camp, learning about the tragic occurrence on the way. He hastened his march, though the camels of the party were very tired and reached the Kalat border at about 2-30 P.M. only to learn that the dacoits had crossed

it about 2 hours before his arrival. Leaving a small force at the Pass the District Superintendent of Police returned to Nai Gaj at 9-30 p.m. on the 11th instant.

8. On the day of the Kathia occurrence I was encamped at Manjhand about 70 miles from Dadu and 94 miles from Kathia. At about midnight I received a telegram from Sub-Divisional Magistrate, Dadu informing me of the incident. Immediately thereafter, I issued telegraphic messages to the District Superintendent of Police at Dadu asking him to rush to the scene of the offence and the Mukhtiarkars of the Division to take precautions, accord co-operation to the Police and send certain Zamindars to meet me at Kathia on the following morning. A little after dawn I left for Kathia, picking up Sub-Divisional Magistrate, Dadu at Dadu who had returned to the Head Quarters to give me the information of the occurrence in person. I examined the situation at Kathia and thereafter, leaving the Mukhtiarkar behind repaired to Mitho Regulator where I learnt about the tragic occurrence of Rohilji-Kund. I, therefore, hastened to Johi and then after collecting some Zamindars and securing some guns, rushed to Nai Gaj reaching the Bungalow at about 10 p.m. On arrival, I found that the District Superintendent of Police had returned there about half an hour before me. He informed me that the dacoits had crossed the Sind-Kalat border about 2 hours before he reached it. Immediately thereafter I held consultations with the Police and Revenue Officials and Zamindars, adopted protective measures all round and arranged to send private parties to pursue the dacoits and secure clues about them. The possibility of hot pursuit was also considered but the course was dropped for various weighty considerations. Some of the difficulties that came in the way were that the dacoits were already ahead of us by about 12 hours and it would have taken us still some hours to get fresh camels and be ready to start on a journey into the hills. It was some time after midnight then and the Kalat border was about 22 miles away from where we were stationed. Besides, we were not sure of the legal position of the venture and whether an attempt to cross the border about a day after the dacoits had crossed it would be covered by the words 'hot pursuit'. All sides of the question considered, the course appeared futile as well as legally doubtful and was therefore abandoned.

Mr. Brojendra Narayan Chaudhury: In giving the replies to the last supplementary questions on this subject, did the Honourable Member take into consideration the fact that that officer had to keep with him a considerable sum of money?

Sir Girja Shankar Bajpai: I told the House on that occasion that throughout the history of Archaeological Survey in India, up to that point, there had been no question of any dacoities in camps, and that was why it had not been considered necessary to take special protective measures. Now that this incident has happened, the question as to when protective measures should be adopted is under examination.

Mr. Lalchand Navalrai: May I know, Sir, whether it is a fact or not that when these dacoits first appeared on the scene, they inquired from one of the peons what they were about and the reply was that they were unearthing treasury from the mines, and it was therefore on account of the indication or mention of their unearthing the treasury the assault was made on the party?

Sir Girja Shankar Bajpai: Sir, I am not a scholar of Sindhi, and so I do not quite know what expression was used when the dacoits made the enquiry from the peon. According to the report, there is no mention of any treasure.

Dr. Sir Ziauddin Ahmad: Are Government certain that all the dacoits were Muslims?

Sir Girja Shankar Bajpai: I am afraid that I have not gone into the communal composition of this band of dacoits.

Dr. Sir Ziauddin Ahmad: Then, what is the significance of the statement of the Maha Sabha?

Mr. N. M. Joshi: May I ask whether the Government of India have made any provision for the families of the people who have suffered as a result of the dacoity?

Sir Girja Shankar Bajpai: The question of paying some sort of compassionate pension to the lady, Mrs. Mazumdar, is under examination now.

Mr. N. M. Joshi: May I ask whether the Government of India are considering the question of paying something to the families of the other people who have suffered?

Sir Girja Shankar Bajpai: The others were only injured so far as I know, but Mr. Mazumdar was killed.

Mr. Brojendra Narayan Chaudhury: With reference to the answer to parts (e) and (f), did Government make any enquiries, after receipt of this question, whether within four miles of the place of murder, there was a dak bungalow fitted with telephone, and whether the party pursuing the dacoits were on camels and the dacoits on foot, and whether the pursuing party reached Mr. Mazumdar's camp at noon, as against the dacoits' arrival early morning? Why did they not make any enquiries on receipt of my question, and why did Government merely content themselves with keeping quiet?

Sir Girja Shankar Bajpai: If my Honourable friend will read the report of the District Magistrate, he will find why it was not possible to take up the chase before. As regards this question of telephone, as I say, I have no information about it.

Mr. Brojendra Narayan Chaudhury: May I ask, why, after receipt of this question wherein I had made allegations, Government did not make any enquiries to see whether they were correct or not, whether there is a dak bungalow fitted with telephone?

Sir Girja Shankar Bajpai: Quite frankly, I do not see what useful purpose would be served by enquiring into the equipment of this particular bungalow, after the facts of the dacoity have been completely investigated.

Mr. President (The Honourable Sir Abdur Rahim): Next question.

208. *Mr. K. Santhanam: I do not put question No. 208 as it has been answered.

ESTABLISHMENT OF A BOARD TO ADVISE ON MATTERS RELATING TO EMIGRATION TO KENYA.

209. *Mr. K. Santhanam: Will the Secretary for Education, Health and Lands please state:

- (a) whether the Government of Kenya have issued a notification proposing to establish a Board for the purpose of advising on matters relating to emigration to Kenya;
- (b) whether the Board has been appointed and if so, the names of its members;
- (c) whether the main object of the Board is to encourage Jewish emigration and settlement; and
- (d) whether the Board will deal with Indian emigration and settlement also?

Sir Girja Shankar Bajpai: (a) and (b). A copy of the Kenya Government Notice No. 748, dated the 7th October, 1938, is laid on the table of the House.

(c) No.

(d) Government of India understand that it is not intended that the Board should consider or advise upon any aspect of India immigration into Kenya.

GOVERNMENT NOTICE No. 748.

NOTICE.

It is notified for general information that His Excellency the Governor has established a Board for the purpose of advising the Commissioner of Police on such matters as may be referred to it for consideration in connexion with immigration into Kenya.

The following persons have been appointed to serve on the Board:

The Commissioner of Lands and Settlement (Chairman).

Lt.-Col. the Hon. F. S. Modera, D.S.O., M.C.

Mr. J. M. Silveste..

A. DE. V. WADE,
Chief Secretary.

NAIROBI,

The 7th October, 1938.

Mr. Abdul Qaiyum: Is there any Jew on this Board?

Sir Girja Shankar Bajpai: I do not think so.

DEPUTATIONS OF INDIANS TO THE GOVERNOR OF FIJI.

210. *Mr. K. Santhanam: Will the Secretary for Education, Health and Lands please state:

- (a) whether his attention has been drawn to a note in the *Statesman* of the 10th January, 1939, under the heading 'Indians in Fiji';

- (b) whether it is a fact that two deputations of Indians waited on Sir Harry Luke, Governor; and
- (c) what were the precise demands made by the deputations?

Sir Girja Shankra Bajpai: (a) and (b). Yes.

(c) From press reports, it appears that the only precise demand was that the primary producer should be assured continuity of his holding of land.

Mr. K. Santhanam: May I know, whether Government have got official copies of these demands?

Sir Girja Shankar Bajpai: No. Government have not received from the Association copies of the addresses which they presented, but they have seen in a Fiji newspaper reports of these two statements.

Mr. K. Santhanam: May I know if the Government of India called for those statements?

Sir Girja Shankar Bajpai: It does not seem to be necessary, because they are already reported in the press.

DRIFT OF INDIAN POPULATION FROM RURAL AREAS TO TOWNS IN SOUTH AFRICA.

211. *Mr. K. Santhanam: Will the Secretary for Education, Health and Lands please state:

- (a) whether his attention has been drawn to the report in the issue of the *Hindustan Times* of the 5th January, 1939, of an address of Mr. B. Rama Rau, Agent-General in South Africa, to the Natal Indian Congress;
- (b) whether he has got any figures to show the extent of the drift of population from rural areas to towns which is deplored by the Agent-General;
- (c) whether this drift is due to anti-Indian feeling and legal impediment for engagement in agriculture or other causes; and
- (d) what were the "subversive and undesirable influences" referred to by the Agent-General in the last paragraph of the address?

Sir Girja Shankar Bajpai: (a) Yes.

(b) to (d). The Agent General in the Union has been asked to submit a report.

CONTROL OVER THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

212. *Mr. K. Santhanam: Will the Secretary for Education, Health and Lands please state:

- (a) whether as a result of the resolution of the Government of India altering the relations between the Imperial Council of Agricultural Research and the Department of Education, Health and Lands, the Government of India will have any control or supervision over the activities or expenditure of the Imperial Council of Agricultural Research; and

- (b) whether he will be able to answer questions relating to the Imperial Council of Agricultural Research to the same extent as before ?

Sir Girja Shankar Bajpai: (a) The control of the Government of India over the activities and expenditure of the Imperial Council of Agricultural Research will remain unaffected.

- (b) Yes.

RATE WAR BETWEEN SHIPPING COMPANIES CARRYING HAJ PILGRIMS.

213. *Mr. Abdul Qaiyum: Will the Honourable Member for Commerce please state:

- (a) the latest information about the competition between shipping companies catering for Haj traffic during the recent Haj season;
- (b) whether tremendous competition created extreme uncertainty about fares;
- (c) whether a large number of intending pilgrims were stranded at the ports;
- (d) whether Government still adheres to their policy of *laissez faire* by their refusal to introduce legislation; and
- (e) the reasons for such attitude on the part of Government ?

The Honourable Sir Muhammad Zafrullah Khan: The attention of the Honourable Member is invited to the statement made by me on the 8th December, 1938, in reply to questions Nos. 1973, 1974 and 1975, to the reply given by me to question No. 80 on the 4th February and to the answers to the supplementaries arising therefrom. I have nothing further to add.

Mr. Abdul Qaiyum: May I know whether during the latest Haj season there were even more violent fluctuations in rates and fares?

The Honourable Sir Muhammad Zafrullah Khan: Obviously I could not answer that without notice, but I do not think so.

Mr. S. Satyamurti: In view of the fact that these negotiations take considerable time, may I know whether long before the next Haj season begins, Government will take steps to bring about some arrangement in the highest interests of the pilgrims?

The Honourable Sir Muhammad Zafrullah Khan: As I have said, I cannot carry the matter further than I did on the last occasion when I answered questions on the subject.

Mr. Abdul Qaiyum: May I know whether the question of legislation on this point is at all under the consideration of the Government of India?

The Honourable Sir Muhammad Zafrullah Khan: I do not know what the Honourable Member means by saying whether it is under the consideration of the Government. I did point out the difficulty of regulating these matters whether by legislation or otherwise and until that difficulty is met, I am afraid no further steps could be taken.

Mr. Abdul Qaiyum: May I know if a large number of people went down to these ports on hearing rumours of very low rates and fares for pilgrims to Haj and they were stranded?

The Honourable Sir Muhammad Zafrullah Khan: Does the Honourable Member expect me to know whether a large number of people went down on hearing rumours about low rates and fares?

Mr. Abdul Qaiyum: Are Government in possession of information whether a large number of people did go down and were actually stranded?

The Honourable Sir Muhammad Zafrullah Khan: With regard to that, the Honourable Member has heard the replies given by the Honourable Secretary for Education, Health and Lands.

DUTIES OF THE POLITICAL ADVISER TO THE CROWN REPRESENTATIVE.

214. *Sardar Mangal Singh: Will the Honourable the Leader of the House please state:

(a) the duties of the Political Adviser to the Crown Representative, which post has recently been created; and

(b) the period for which this post has been created?

The Honourable Sir Nripendra Sircar: (a) The Political Adviser's duties are to advise His Excellency the Crown Representative in the discharge of the functions of the Crown in relation to the Indian States.

(b) Two years in the first instance.

Mr. N. M. Joshi: May I ask what is the salary attached to this post?

The Honourable Sir Nripendra Sircar: Yes, if you will give me notice.

Mr. S. Satyamurti: May I know if this Political Adviser is working directly under the Governor General, and no Member of the Governor General's Executive Council supervises his activities and work?

The Honourable Sir Nripendra Sircar: He is advising the Crown Representative. That was my answer.

Mr. S. Satyamurti: Then the Government of India are out of the picture, so far as his work is concerned?

The Honourable Sir Nripendra Sircar: They are really out of the picture under the Government of India Act, but I have no desire to draw any further picture.

Mr. K. Santhanam: May I know if his status is higher than or equal to or less than that of a Secretary to the Government of India?

The Honourable Sir Nripendra Sircar: I presume it is higher.

Mr. K. Santhanam: May we presume that his salary also is higher?

The Honourable Sir Nripendra Sircar: There is no objection to making that presumption.

Mr. S. Satyamurti: What is his salary?

The Honourable Sir Nripendra Sircar: I do not know. I said, if you give me notice, I can tell you the exact salary.

Sardar Mangal Singh: Who performed these duties before this appointment was made?

The Honourable Sir Nripendra Sircar: Nobody.

Mr. T. S. Avinashilingam Chettiar: Who is the present Political Adviser?

The Honourable Sir Nripendra Sircar: I think my Honourable friend knows that he is Sir Bertrand Glancy.

RECOMMENDATIONS OF THE COAL MINING COMMITTEE.

215. *Mr. S. Satyamurti: Will the Honourable Member for Labour be pleased to state:

- (a) the stage at which the consideration of the recommendations of the Coal Mining Committee stands today;
- (b) which of these recommendations have been accepted by Government;
- (c) on how many of them executive decisions have been taken and communicated to the persons or authorities concerned; and
- (d) whether Government propose introducing legislation on this matter for the promotion of safety and welfare of coal miners throughout India; if so, when?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). A statement giving the information required is placed on the table.

(d) If the Honourable Member is referring to the recommendation for sand stowing, Government are introducing a Bill during the current Session.

Statement showing the stage at which consideration of the recommendations of the Coal Mining Committee stands.

Recommendation.	Stage at which consideration of the recommendation stands.
<i>Legislative proposals.</i>	
1. Temporary legislation, (i.e., section 2 of Act XI of 1936) should be made permanent. [Paragraph 66 of the Summary of Conclusions and Recommendations in Chapter XV of the Committee's Report.]	Implemented— <i>vide</i> Act XXIX of 1937.
2. The legal liability of owners and agents for methods of working should be made clear. [Paragraph 10 of Summary.]	Rejected.
3. Agents should be required to have at least the qualifications of the managers working under them. [Paragraph 11 of Summary.]	Rejected.
4. Alteration in the constitution of Appellate Tribunals to hear appeals under section 19 (5) of the Mines Act. [Paragraph 120 of Summary.]	Rejected.
5. Amendment of section 19 (1A) of the Mines Act so as to empower the Chief Inspector of Mines to require stowing or other protective measures to be taken to ensure safety either of life or of workings. [Paragraph 290 of Report.]	Included within the scope of the legislation that is being undertaken.
6. Deletion of clause (b) of section 19 (1A) of the Mines Act. [Paragraph 290 of Report.]	Action on this recommendation will be taken after the regulations relating to the control of first workings and section-working in coal mines have been promulgated.
7. Amendment of the Coal Grading Board Act in order to stop the grading of sections of seams. [Paragraphs 39 to 47 of Summary.]	Under consideration.
8. Amalgamation and adjustment of mining properties. [Paragraphs 114-15 of Summary.]	} It is proposed to take up these questions after the main recommendations relating to stowing have been implemented This recommendation was referred to the Government of Bengal who replied that the proposal will be considered when the Tenancy Act is next revised.
9. Control of new mining leases in Bengal and Bihar. [Paragraph 35 of Summary.]	
10. Amendment of section 84 of the Bengal Tenancy Act so as to allow the same procedure as obtains under the Chota Nagpur Tenancy Act for the acquisition of a holding of any part thereof for the purpose of mining. [Paragraph 53 of Summary.]	
11. Recommendations relating to coal conservation and sand stowing and the appointment of a Statutory Authority. [Chapters X and XI of Report.]	Steps are being taken to introduce legislation during the current session.

Proposals relating to Regulations.

12. Promulgation of certain new regulations recommended in paragraphs 291, 295, 296, and 297 of the Report.	Supplementary Coal Mines (Temporary) Regulations promulgated on 10th July 1937.
13. Temporary regulations should be made permanent with certain modifications. [Paragraphs 320—24 of Report.]	} Implemented <i>vide</i> notification No. M.-955, dated the 20th May 1938.
14. Amendment of Coal Mines Regulations so as to provide for the certification of shot-firers in coal mines. [Paragraphs 311-312 of Report.]	

Recommendation.

Stage at which consideration
of the recommendation
stands.

Legislative Proposals.

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| 15. Regulations for the control of first workings and section-working in coal mines. [Paragraphs 203—10 of Report.] | Draft regulations on the subject were published for criticism on 13th August 1938. The criticisms received are under consideration. |
| 16. Amendments to certain permanent Coal Mines Regulations. [Chapter XII of Report.] | Under consideration. |

Miscellaneous recommendations.

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| 17. Company-managed railways should purchase two-thirds of their coal requirements from the collieries of limited companies and private owners. [Paragraph 61 of Summary.] | Under consideration. |
| 18. Use of inferior grade coal in Railway locomotives. [Paragraph 117 of Summary.] | Rejected. |
| 19. Introduction of the group system of railway freights in the Raniganj field as in the Jharra coalfield. [Paragraph 121 of Summary.] | Under consideration. |
| 20. Manufacture of benzol from coal should be encouraged by the grant of preference, as allowed in Great Britain, in respect of excise duty. [Paragraph 119 of Summary.] | Rejected. |
| 21. Increase in the staff of the Mines Department and salary of the Chief Inspector of Mines. [Paragraph 110 of Summary.] | Under consideration. |
| 22. The Central Provinces Government should arrange with the Government of India for the inspection of its mines by the Mines Department with reference to the terms in its leases regarding methods of working. [Paragraph 131 of Summary.] | Rejected. |
| 23. Question of the application of the Payment of Wages Act, 1936, to coal mines. [Paragraph 125 of Summary.] | It is proposed to await experience of the working of the Payment of Wages Act in factories before attempting any large extensions. |
| 24. Investigation into the possibility of setting up a Central Marketing Agency for coal. [Paragraph 113 of Summary.] | It is proposed to take up this question after the main recommendations relating to sand stowing have been implemented. |
| 25. Setting up of a Coal Research Board under the Statutory Authority. [Paragraph 118 of Summary.] | Ditto. |
| 26. The Government of Bengal should lease the coal locked up under the Grand Trunk Road and permit it to be recovered subject to the advice of the Chief Inspector of Mines. [Paragraph 52 of Summary.] | Referred to the Provincial Government for consideration. |
| 27. The scheme for two Central Rescue Stations in the Jharra and Raniganj fields should be adopted. [Paragraph 122 of Summary.] | Draft Rescue Rules under section 30A of the Mines Act were published for criticism on the 19th February 1938 and are being issued finally. |
| 28. Certain provisions should be added to the existing rules under the Mines Act, regarding ambulance and first-aid work. [Paragraph 124 of Summary.] | Steps are being taken to implement this recommendation. |
| 29. Nationalization of the Coal Mining Industry. [Supplementary Note appended to the Committee's Report.] | The recommendation of the minority of the Committee on this subject will be considered in due course. |

Mr. S. Satyamurti: Apart from this Bill of which we have received notice, are there any other measures which the Government of India are considering for promoting the safety and welfare of coal miners?

The Honourable Sir Muhammad Zafrullah Khan: The statement which I have laid on the table gives detailed information with regard to that.

IMPORT AND EXPORT OF CATTLE FROM AND TO AUSTRALIA.

216. *Mr. K. S. Gupta: (a) Will the Honourable Member for Commerce state the numbers of cows, breeding bulls and horses imported into India from Australia during the last three years?

(b) How many cows were exported to Australia from India during the last three years? What is the use made of them? Is it to prepare beef and export it to India?

(c) Are there any special restrictions imposed on the export of cattle to Australia? If so, are Government prepared to consider the desirability of imposing similar restrictions (reciprocal) on the import of cattle from Australia?

The Honourable Sir Muhammad Zafrullah Khan: (a) The number of horses imported into British India from Australia during the last three years was:

1935-36	...	...	...	2,123
1936-37	...	...	...	1,555
1937-38	...	...	...	3,151

Similar figures for cows and breeding bulls are not available.

(b) None. The latter portion does not arise.

(c) Enquiries are being made.

REPRESENTATION REQUESTING FOR A CHANGE IN THE INSTRUMENT OF INSTRUCTIONS TO THE GOVERNOR GENERAL.

217. *Mr. Manu Subedar: (a) Will the Honourable the Leader of the House please state whether a representation was received by the Government of India from certain European commercial interests, containing a request for a change in the Instrument of Instructions to the Governor General, or whether this request was sent to the Secretary of State for India direct?

(b) Was there any correspondence between the Secretary of State and the Government of India on the subject?

(c) Will Government lay on the table a copy of this representation and reply given to them by the Secretary of State?

(d) What is the decision of His Majesty's Government on the modifications sought to be introduced?

(e) Have Government any information that any modifications of this or any other kind are made in the Instrument of Instructions to the Governor General?

The Honourable Sir Nripendra Sircar: I invite the Honourable Member's attention to the reply I gave to Mr. Santhanam's question No. 68 on the 4th February, 1939.

DRAFT OF THE COTTON INDUSTRY ENABLING BILL IN THE UNITED KINGDOM.

218. *Mr. Manu Subedar: Will the Honourable the Commerce Member please state :

- (a) whether Government have seen the draft of the Cotton Industry Enabling Bill in the United Kingdom, which is being circulated now and the particulars of which were announced by Mr. Platt, Chairman of the American price-fixing committees and managing director of the Lancashire Cotton Corporation; and
- (b) whether Government have examined the draft in order to see if there are any clauses in the Bill, which affect the purchase of Indian cotton by Lancashire, and whether any powers taken under the Bill would prejudice the interests of Indian cotton growers and exporters?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have seen press reports that the Bill has been published but have not yet seen the text of the Bill.

(b) The proposals on which the Bill is based have no direct bearing on the matters to which the Honourable Member has referred.

Mr. Manu Subedar: May I know whether Government have considered that the subsidy which is going to be given to this industry may not be used to subsidise the exports of textiles to India and in this manner affect the textile industry of this country detrimentally?

The Honourable Sir Muhammad Zafrullah Khan: I cannot give a definite answer till I have seen the provisions of the Bill but so far as I have been able to acquaint myself with the objects of the Bill, there appears to be no ground for such an apprehension.

Mr. Manu Subedar: Will the Honourable Member assure us that as and when he receives the Bill, he will watch that the interests of the textile industry are not adversely affected by what is contained there?

The Honourable Sir Muhammad Zafrullah Khan: That is a very general order to the Commerce Member.

Sardar Mangal Singh: May I know whether the Lancashire Indian Cotton Committee is still in existence?

The Honourable Sir Muhammad Zafrullah Khan: That does not arise out of this question.

CREATION OF A SINGLE UNIT FOR THE ENTIRE URBAN AREA OF DELHI AND NEW DELHI.

219. *Mr. M. Asaf Ali: Will the Secretary for Education, Health and Lands please state :

- (a) whether he is aware that the Delhi Municipal Committee has invited the attention of Government to the fact that the growing needs of the urban population of Delhi and New Delhi have rendered the existing municipal constitution inadequate and out of date and that the fragmentation of one urban unit

into three municipal bodies of varying constitutions and composition, as at present, and a gradual creation of joint bodies like the Joint Water and Sewage Board, the Central Electricity authority and the Joint Terminal Tax Committee, are responsible for an abnormal increase of administrative charges; and

- (b) whether he is aware that Government have been asked to undertake suitable legislation to create a single urban unit for the entire urban area of Delhi and New Delhi, and if so, what steps Government have so far taken in this direction and when the necessary legislation will be undertaken?

Sir Girja Shankar Bajpai: (a) and (b). Government have seen the copy of a resolution passed by the Delhi Municipal Committee on July 28, 1938, to the effect that the Committee had outgrown its constitution and required a constitution more suitable to its actual functions. By the same resolution a sub-committee was appointed to work out the details of a scheme. No definite proposal has been submitted to the Government by the Delhi Municipal Committee so far.

Mr. M. Asaf Ali: Apart from the proposals that may be submitted by the Delhi Municipal Committee, may I know whether Government are contemplating any steps by which they can give effect to the desire of the Municipal Committee?

Sir Girja Shankar Bajpai: At the moment Government are not contemplating any such thing.

Mr. M. Asaf Ali: Does it mean that the Government are not alive to the needs of the Delhi Municipal Committee.

Sir Girja Shankar Bajpai: It seems to me that it is for the Delhi Municipal Committee, which is dissatisfied with its present constitution, to hurry up the formulation of the proposals, for the formulation of which it has appointed a sub-committee.

REPRESENTATION OF NON-OFFICIAL INTERESTS IN THE NEW DELHI MUNICIPALITY AND THE NOTIFIED AREA COMMITTEE OF CIVIL LINES, DELHI.

220. *Mr. M. Asaf Ali: (a) Will the Secretary for Education, Health and Lands please state the ratio between Government-owned and privately-owned residential properties, (i) official and non-official population, (ii) contribution to municipal rates and taxes by officials and non-officials and (iii) nominated and elected municipal commissioners in New Delhi and in the notified area of the civil lines, Delhi?

(b) Will Government explain why no steps have so far been taken to secure due representation of non-official interests by election in these two municipal bodies?

Sir Girja Shankar Bajpai: Enquiries have been made and a reply will be furnished to the House as soon as the information is available.

Mr. M. Asaf Ali: There is no reply to part (b). Part (a) asks for information and part (b) asks why no steps have so far been taken to secure due representation of non-official interests by election in these two municipal bodies.

Sir Girja Shankar Bajpai: I have read the two parts of the question as really organically connected the point of the Honourable Member being to base his request for reconsideration in the light of the information which has been called for. And I have said that the information asked for in (a) is not available to Government.

Mr. M. Asaf Ali: In that case, may I take it that Government have not taken any steps to enlighten themselves about the proportion of the various interests in so far as these two municipal bodies are concerned? When they receive the information, will they take steps to try to rectify the deficiencies?

Sir Girja Shankar Bajpai: I would not like to make any authoritative pronouncement on the attitude of the Government, but with regard to this question of municipal reform for Delhi, what I can tell my Honourable friend is that at the moment they have no proposals under consideration for changing the existing position.

Mr. M. Asaf Ali: But are they aware of the fact that this feeling exists among the constituents in both New Delhi and the Notified Area that there are no elected representatives on either of these two committees?

Sir Girja Shankar Bajpai: Speaking from memory, the question of the composition of the Notified Area Municipal Committee has not recently been before Government. So far as the question of the New Delhi Municipal Committee is concerned, that was examined by Government, as far as I remember, less than two years ago and as my Honourable friend is aware, the non-official element in the constitution of the committee was increased.

APPOINTMENT OF A LAND DEVELOPMENT COMMITTEE IN NEW DELHI.

221. *Mr. M. Asaf Ali: Will the Honourable Member for Labour please state whether it is a fact that Government have appointed a New Delhi Land Development Committee which consists only of officials? If so, will Government state how they propose to secure the points of view of (i) owners of private property, (ii) residents of New Delhi, and (iii) those who are anxious to move into New Delhi?

The Honourable Sir Muhammad Zafrullah Khan: The answer to the first part is in the affirmative. As regards the second part, the Committee has already issued a questionnaire to the Punjab Chamber of Commerce and certain members of the public interested in the question of development of New Delhi, and will doubtless consult any other important interests involved, whenever necessary.

Mr. M. Asaf Ali: May I know why the Government of India have not invited the representatives of the various interests to serve on this Land Development Committee?

The Honourable Sir Muhammad Zafrullah Khan: The committee would become very unwieldy if all the interests were represented.

Mr. M. Asaf Ali: Is it suggested that even two representatives could not be asked to serve on this committee?

The Honourable Sir Muhammad Zafrullah Khan: Does the Honourable Member suggest that two will be enough to represent all the interests concerned?

Mr. M. Asaf Ali: If Government appoint at least two, they would be able to put before this Committee the point of view of those who are not represented. There are many people in New Delhi who belong to the non-official section and they have got certain interests. Why should they not be represented on this Land Development Committee?

The Honourable Sir Muhammad Zafrullah Khan: That is a matter of opinion and argument but I have already informed the Honourable Member that all interests concerned will be consulted on the matters which affect them.

SIR THOMAS AINSCOUGH'S REMARKS REGARDING INDIA'S INDUSTRIAL AND ECONOMIC POLICY.

222. *Mr. S. Satyamurti: Will the Honourable the Commerce Member be pleased to state:

- (a) whether his attention has been drawn to the report of Sir Thomas Ainscough, Senior Trade Commissioner in India and Ceylon, reviewing the United Kingdom trade with India in 1937-38;
- (b) whether it is part of the Senior Trade Commissioner's duties to express opinions on the industrial and economic policy of the Government of India, and, if so, under what rule, law or convention;
- (c) whether Government have accepted the conclusions of this Trade Commissioner, especially his statement: "The policy of maximum industrialism, if followed to lengths contemplated by the present Congress authorities and Provincial Governments, must inevitably lead, firstly, to a serious clash of interest with the agricultural element, which constitutes nearly 70 per cent. of the population; secondly, to a crisis in India's finances, as the Government of India rely upon customs receipts for some 60 per cent. of the revenue, and lastly, to a collapse of the financial and economic fabric of the Government of India, which is dependent upon the excess balance of exports in order to meet India's financial commitments in London and maintain the exchange";
- (d) whether Government have examined the basis of this statement and accepted it; and
- (e) if so, whether the Government of India propose to issue a statement in this behalf?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes.

(b) Sir Thomas Ainscough's duties are prescribed by His Majesty's Government.

(c), (d) and (e). No.

Mr. S. Satyamurti: May I know whether Government have examined the duties prescribed for the Senior Trade Commissioner and they have satisfied themselves that he has got to pronounce upon the industrial and economic policy of this country?

The Honourable Sir Muhammad Zafrullah Khan: It is not necessary to examine the list of his duties at all. Anybody can pronounce upon any policy so long as he is not responsible to this Government.

Mr. S. Satyamurti: Will the Government of India protest to His Majesty's Government against this gentleman arrogating to himself the position of advising India as to the policy we should pursue in this country?

The Honourable Sir Muhammad Zafrullah Khan: There are many people who go on advising Government but Government is not always bound to accept their advice.

Mr. S. Satyamurti: Considering that this gentleman represents the United Kingdom Government in this country, and considering the political relations between this country and England at the present moment, may I know whether Government have considered the inadvisability of this gentleman pronouncing upon these delicate questions which are entirely our own?

The Honourable Sir Muhammad Zafrullah Khan: I do not think that there is any inadvisability in the matter at all. Sir Thomas Ainscough has expressed his opinion on a certain matter. We are not bound to accept that opinion.

Mr. S. Satyamurti: Will the Indian Trade Commissioner in England be allowed to pronounce upon the economic policy of England?

The Honourable Sir Muhammad Zafrullah Khan: Certainly.

Mr. Manu Subedar: Is it a fact that the Honourable the Finance Member fainted when he read of the "collapse of the financial fabric of India"?

The Honourable Sir James Grigg: No, I did not; I am still alive.

Mr. N. M. Joshi: May I know if the Trade Commissioner for India in England makes a report to the Government of India and the Government of India publishes that report?

The Honourable Sir Muhammad Zafrullah Khan: I believe so.

NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT.

223. *Mr. S. Satyamurti: Will the Honourable the Commerce Member be pleased to state:

- (a) whether his attention has been drawn to the annual report of the Indian section of the Manchester Chamber of Commerce

which, *inter alia*, comments on the breakdown of the negotiations between the Lancashire delegation and Indian unofficial advisers, and the subsequent negotiations between the two governments resulting in the continuance of the existing agreement until March;

- (b) whether Government have got a copy of the report and if so, whether they will place it on the table of the House;
- (c) whether Government are now in a position to make a statement as regards the stage at which negotiations for a fresh trade agreement to replace the Ottawa agreement stand; and
- (d) whether any steps have been taken or, will be taken, to terminate the Ottawa agreement in time?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b).—Government have not seen a copy of the report.

(c) I would refer the Honourable Member to the answers given to Mr. T. S. Avinashilingam Chettiar's question No. 35 on the 4th instant and to the supplementary questions arising therefrom.

(d) The Honourable Member is referred to the answer just given to Mr. Abdul Qaiyum's question No. 199.

TRADE AGREEMENT WITH AFGHANISTAN.

224. *Mr. S. Satyamurti: Will the Honourable the Commerce Member be pleased to state:

- (a) whether any trade agreement has been entered into between India and Afghanistan; if not, why not;
- (b) whether for the purposes of the Indian Tariffs Act, Afghanistan has been declared a foreign territory and, if so, why;
- (c) whether customs duty is to be levied on tobacco, saccharine, matches, raw silk, silver bullion and coins, diamonds, sewing machines and mechanical lighters; and on what basis these articles have been selected for the purpose; and
- (d) whether the question of a comprehensive trade agreement between India and Afghanistan is proposed to be taken up and, if so, when?

The Honourable Sir Muhammad Zafrullah Khan: (a) No. The Honourable Member's attention is invited to the answer to parts (a) and (b) of question No. 18 asked by Mr. T. S. Avinashilingam Chettiar on the 3rd February, 1939.

(b) and (c). Yes. The Honourable Member's attention is also invited to the Central Board of Revenue Press Note, dated the 29th January, 1938, a copy of which is in the Library.

(e) The Honourable Member's attention is invited to the answer to part (b) of question No. 159 asked by Sardar Mangal Singh on the 7th February, 1939.

Mr. S. Satyamurti: With reference to the answer to clause (e) of the question, I take it that my Honourable friend refers to the answer given by Sir Aubrey Metcalfe. May I know then whether the Government of India have given up for the present the idea of concluding a comprehensive trade agreement between India and Afghanistan?

The Honourable Sir Muhammad Zafrullah Khan: The position has been sufficiently explained in answer to these questions. Conversations of an exploratory character have taken place here between the Afghan delegation and the Government of India and some tentative conclusions have been arrived at. As soon as Government have considered these tentative conclusions, the matter will be pursued further.

NEW TRADE AGREEMENT BETWEEN THE UNITED KINGDOM AND INDIA.

225. *Mr. S. Satyamurti: Will the Honourable the Commerce Member be pleased to state:

- (a) whether it is a fact that a new Trade Agreement between the United Kingdom and India is in the process of being drafted;
- (b) whether the terms of the new agreement have been tentatively agreed upon and the draftsmen of the Government of India and of the United Kingdom are busy putting them in a legal form;
- (c) whether this draft will be placed before the Central Legislative Assembly in the budget session; and
- (d) whether the Government of India have decided to sign the agreement only after the Assembly has discussed the draft agreement?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). The Honourable Member's attention is invited to the answer given today to Mr. Abdul Qaiyum's question No. 200.

(c) It is hoped that the Agreement will be placed before the Assembly in the current Session.

(d) That was Government's intention, but I understand that there is a constitutional issue involved and Government are investigating the matter.

Mr. S. Satyamurti: What is the constitutional issue?

The Honourable Sir Muhammad Zafrullah Khan: Without going into the matter in detail, the question is whether technically there ought to be signature before, though the question of giving effect to the agreement may be taken up later on,—that is to say, the difference between signing and ratification, but it makes no difference to the essential matter. As I told the House, Government's intention is to obtain the opinion of the House on this matter before coming to a final decision whether this agreement shall or shall not be given effect to.

(b) WRITTEN ANSWERS.

INDIAN COMMODITIES ADVERSELY AFFECTED BY THE ANGLO-AMERICAN TRADE AGREEMENT.

226. *Mr. M. Ananthasayanam Ayyangar: (a) Will the Honourable Member for Commerce be pleased to state if his attention has been drawn to a leading article in the *Hindu* of the 24th December, 1938, entitled "The Anglo-American trade pact"?

(b) In what commodities will the pact affect India adversely?

- (c) What steps are being taken to counteract these adverse effects?
- (d) When is the Anglo-American trade pact to come into force?
- (e) Will Government place a copy of the same on the table?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have seen the newspaper article.

(b) and (c). I would refer the Honourable Member to the answers given on the 5th December, 1938, to Mr. Manu Subedar's question No. 1780 and to part (d) of Mr. M. Thirumala Rao's question No. 1783 and the supplementaries arising therefrom.

(d) and (e). The Honourable Member's attention is invited to articles 23 and 24 of the United Kingdom-United States of America Trade Agreement, a copy of which is placed on the table.

**TRADE AGREEMENT BETWEEN THE UNITED KINGDOM AND THE UNITED STATES OF AMERICA
WITH SCHEDULES AND EXCHANGES OF NOTES.**

Washington, November 17, 1938.

TRADE AGREEMENT.

His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, in respect of Great Britain and Northern Ireland, and the President of the United States of America ;

Desiring to grant reciprocal concessions and advantages in order to facilitate and extend mutual relations of trade and commerce ;

Taking into account the absence of any restriction upon the settlement of commercial obligations arising out of such relations ;

Have resolved to conclude a Trade Agreement and have appointed for this purpose as their plenipotentiaries :—

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India :

For Great Britain and Northern Ireland :

The Right Honourable Sir Ronald Charles Lindsay, G.C.M.G., K.C.B., C.V.O.,
His Ambassador Extraordinary and Plenipotentiary at Washington, and
Arnold Edersheim Overton, Esquire, C.M.G., M.C., a Second Secretary
to His Board of Trade ;

The President of the United States of America ;

Mr. Cordell Hull, Secretary of State of the United States of America ;

Who having communicated to each other their full powers, found in good and due form, have agreed as follows :—

ARTICLE 1.

The territories to which this Agreement shall apply are on the part of His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India (hereinafter referred to as His Majesty The King), Great Britain and Northern Ireland, Newfoundland, The British non-self-governing Colonies, Protectorates and Protected States (except the High Commission Territories in South Africa, namely, Basutoland, Bechuanaland Protectorate and Swaziland, and excluding any territories in the region of the Persian Gulf) and the Mandated Territories of Palestine, including Trans-Jordan, the Cameroons under British Mandate, Tanganyika Territory and Togoland under British Mandate ; and, on the part of the United States of America the continental territory of the United States of America and such of its territories and possessions as are included in its customs territory on the day of the signature of this Agreement. The provisions of this Agreement relating to most favoured nation treatment shall apply, however, to all territories under the sovereignty or authority of the United States of America, other than the Panamá Canal Zone.

ARTICLE 2.

1. Articles the growth, produce or manufacture of the territories of either High Contracting Party shall not be subjected, upon importation into the territories of the other from whatever place arriving to other or higher duties or charges of any kind or to any rules or formalities other or more burdensome than those to which the like articles the growth, produce or manufacture of any other foreign country are subject.

2. Articles exported from the territories of either High Contracting Party to the territories of the other shall not be subjected to other or higher duties or charges of any kind or to any rules or formalities other or more burdensome than those to which the like articles exported to any other foreign country are subject.

3. Any advantage, favour, privilege or immunity which has been or may hereafter be granted in the territories of either High Contracting Party in respect of any article originating in or destined for any other foreign country in regard to customs duties and other charges of any kind imposed on or in connexion with importation or exportation to the method of levying such duties or charges, to all matters concerning the rules, formalities and charges imposed in connexion with importation or exportation, and to all laws or regulations affecting the sale or use of imported goods within those territories shall be accorded immediately and unconditionally in respect of the like article originating in or destined for the territories of the other High Contracting Party.

ARTICLE 3.

Articles the growth, produce or manufacture of the territories of either High Contracting Party shall, after importation into the territories of the other, be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on or in connexion with like articles of domestic or any other origin except as otherwise required by laws in force on the day of the signature of this Agreement and subject, in the case of the United States of America, to the constitutional limitations on the authority of the Federal Government.

ARTICLE 4.

1. No prohibition or restriction shall be imposed or maintained on the importation into the territories of either High Contracting Party of any article, from whatever place arriving, the growth, produce or manufacture of the territories of the other High Contracting Party, to which the importation of the like article the growth, produce or manufacture of any other foreign country is not similarly subject.

2. No prohibition or restriction shall be imposed or maintained on the exportation of any article from the territories of either High Contracting Party to the territories of the other, to which the exportation of the like article to any other foreign country is not similarly subject.

ARTICLE 5.

If imports of any article into any of the territories of either High Contracting Party should be regulated either as regards the total amount permitted to be imported or as regards the amount permitted to be imported at a specified rate of duty, and if shares are allocated to countries of export, the share allocated to the territories of the other High Contracting Party shall be based upon the proportion of the total imports of such articles from all foreign countries supplied by the territories of that High Contracting Party in past years, account being taken in so far as practicable in appropriate cases of any special factors which may have affected or may be affecting the trade in that article. In those cases in which a territory of one of the High Contracting Parties is a relatively large supplier of any such article, the High Contracting Party imposing the regulation shall, whenever practicable, consult with the other High Contracting Party before the share to be allocated to such territory is determined. If the share allocated should, otherwise than from temporary and unavoidable causes, fail to be supplied, the High Contracting Party imposing the regulation may after due consultation with the other, adjust the allocation to meet the new situation thus created.

ARTICLE 6.

All the provisions of this Agreement providing for most favoured nation treatment shall be interpreted as meaning that such treatment shall be accorded immediately and unconditionally, without request or compensation.

ARTICLE 7.

The provisions of this Agreement do not extend to favours which are or may hereafter be granted in the territories of either High Contracting Party—

- (1) to facilitate frontier traffic with an adjoining country ;
- (2) in virtue of a customs union which has already been, or may hereafter be, concluded with another country.

ARTICLE 8.

1. If either High Contracting Party should establish a monopoly for the importation into or the production or sale in the territories of that High Contracting Party of a particular article, or should grant exclusive privileges to one or more agencies for any of these purposes, or if either High Contracting Party should take measures to enable such a monopoly to be established or such exclusive privileges to be granted, the commerce of the territories of the other High Contracting Party shall receive fair and equitable treatment in respect of the foreign purchases of such monopoly or agency. To this end such monopoly or agency will, in making its foreign purchases of any article, be influenced solely by considerations, such as those of price, quality, marketability and terms of sale, which would ordinarily be taken into account by a private commercial enterprise interested solely in purchasing on the most favourable terms.

2. In awarding contracts for public works and in purchasing supplies, neither High Contracting Party shall discriminate against articles the growth produce or manufacture of the territories of the other High Contracting Party in favour of those of any other foreign country.

ARTICLE 9.

1. Articles the growth, produce or manufacture of the United States of America specified in Schedule I annexed to this Agreement shall, on their importation into the United Kingdom of Great Britain and Northern Ireland, from whatever place arriving, be accorded the treatment provided for in the said schedule.

2. If however, the Government of the United Kingdom are satisfied after inquiry (a) that any article the growth, produce or manufacture of the United States of America of the description specified in Schedule I is being imported and sold in the United Kingdom at less than the comparable price in the United States of America, due allowance being made for costs of transportation and other charges incidental to making delivery of the goods, or (b) that any such article imported into the United Kingdom is the subject of export bounties or subsidies in the United States of America, and that in consequence of the fulfilment of either of the foregoing conditions a trade or industry in the United Kingdom is or is likely to be injuriously affected ; then, notwithstanding anything in paragraph 1 of this Article, the Government of the United Kingdom shall be at liberty, after consultation with the Government of the United States of America, in cases coming under (a) above, to take such measures as the two governments may deem necessary and appropriate in order to act as an effective deterrent to the practice in question ; and, in cases coming under (b) above, to impose such additional duties or charges on the article concerned as may be required to compensate for the bounty or subsidy.

3. Any measures taken under the preceding paragraph shall be withdrawn as soon as the circumstances which gave rise to their imposition have ceased to operate.

ARTICLE 10.

1. Articles the growth, produce or manufacture of the United States of America, specified in Schedule II annexed to this Agreement shall, on their importation into Newfoundland, from whatever place arriving, be accorded the treatment provided for in the said Schedule.

2. If, however, the Government of Newfoundland are satisfied after inquiry (a) that any article the growth, produce or manufacture of the United States of America of the description specified in Schedule II is being imported and sold in Newfoundland at less than the comparable price in the United States of America, due allowance being made for costs of transportation and other charges incidental to making delivery of the goods, or (b) that any such article imported into Newfoundland is the subject of export bounties or subsidies in the United States of America, and that in consequence of the fulfilment of either of the foregoing conditions a trade or industry in Newfoundland is or is likely to be injuriously affected ; then, notwithstanding anything in paragraph 1 of this Article, the Government of Newfoundland shall be at liberty after consultation between the Government of the United Kingdom and the Government of the United States of America, in cases coming under

(a) above, to take such measures as the Government may deem necessary and appropriate in order to act as an effective deterrent to the practice in question ; and, in cases coming under (b) above, to impose such additional duties or charges on the article concerned as may be required to compensate for the bounty or subsidy.

3. Any measures taken under the preceding paragraph shall be withdrawn as soon as the circumstances which gave rise to their imposition have ceased to operate.

ARTICLE 11.

Articles the growth, produce or manufacture of the United States of America specified in Schedule III annexed to this Agreement shall, on their importation into the territories named in the said schedule in respect of which they are specified, from whatever place arriving, be accorded the treatment provided for in the said Schedule.

ARTICLE 12.

Articles the growth, produce or manufacture of any of the territories to which this Agreement applies on the part of His Majesty The King, enumerated and described in Schedule IV annexed to this agreement shall, on their importation into the United States of America, from whatever place arriving be exempt from ordinary customs duties other or higher than those set forth and provided for in the said Schedule IV, subject to the conditions therein set out. The said articles shall also be exempt from all other duties, taxes, fees, charges or exactions of any kind, imposed on or in connexion with importation in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of America in force on the day of the signature of this Agreement.

ARTICLE 13.

The Schedules annexed to this Agreement, and the notes included in them, shall have force and effect as integral parts of the Agreement.

ARTICLE 14.

The provisions of Article 9, Article 10, Article 11 and Article 12 of this Agreement shall not prevent the imposition at any time on the importation of any article of a charge equivalent to an internal tax imposed in respect of a like domestic article or in respect of a commodity from which the imported article has been produced or manufactured in whole or in part.

ARTICLE 15.

1. No prohibition, restriction or any form of quantitative regulation, whether or not operated in connexion with an agency of centralized control, shall be imposed or maintained in the United Kingdom or Newfoundland on the importation or sale of any article the growth, produce or manufacture of the United States of America specified in Schedules I or II, respectively ; or in any territory named in Schedule III on the importation or sale of any such article specified in that Schedule in respect of such territory ; or in the United States of America on the importation or sale of any article the growth, produce or manufacture of any of the territories to which this Agreement applies on the part of His Majesty The King, enumerated and described in Schedule IV, except as otherwise expressly provided in the said Schedules I, II, III or IV, as the case may be.

2. The foregoing provision shall not apply to quantitative regulations, in whatever form, which may hereafter be imposed by either High Contracting Party on the importation or sale of any article the growth, produce or manufacture of the territories of the other, in conjunction with governmental measures or measures under governmental authority—

(a) operating to regulate or control the production market supply, quality or price of the like article of domestic growth, production or manufacture ; or

(b) operating to increase the labour costs of production of the like article of domestic growth, production or manufacture ;

provided however, that the High Contracting Party proposing to impose any such quantitative regulation is satisfied in the case of measures described in sub-paragraph (a) of this paragraph, that such quantitative regulation is necessary to secure the effective operation of such measures, and, in the case of measures described in sub-paragraph (b), that such measures are causing the domestic production of the article concerned to be injuriously affected by imports which constitute an abnormal proportion of the total consumption of such article in relation to the proportion supplied in the past by foreign countries.

3. Whenever either High Contracting Party proposes to impose or to effect a substantial alteration in any quantitative regulation authorized by the preceding paragraph that High Contracting Party shall give notice in writing to that effect to the other and shall, upon request enter into consultation regarding the matter. If agreement is not reached within thirty days after the receipt of the notice the High Contracting Party giving such notice shall be free to impose or alter the regulation at any time, and the other High Contracting Party shall be free within fifteen days after such action is taken to terminate this Agreement in its entirety on giving thirty days' notice in writing to that effect.

4. The provisions of paragraph 1 of this Article shall not apply to quantitative regulations, in whatever form, imposed by either High Contracting Party on the importation or sale of any article the growth, produce or manufacture of the territories of the other High Contracting Party, in connexion with a multilateral agreement, binding both High Contracting Parties, designed to regulate or control the international marketing of such article.

ARTICLE 16.

1. The provisions of this Agreement shall not extend to prohibitions or restrictions—
 - (a) imposed for the protection of public health or on moral or humanitarian grounds ;
 - (b) imposed for the protection of animals or plants, including measures for protection against disease, degeneration or extinction as well as measures taken against harmful seeds, plants and animals ;
 - (c) imposed by either High Contracting Party in pursuance of obligations under international agreements in force on the day of the signature of this Agreement by which that High Contracting Party is bound ;
 - (d) relating to the importation or exportation of gold or silver ;
 - (e) relating to the control of traffic in arms, ammunition or implements of war and, in exceptional circumstances, all other military supplies ;
 - (f) relating to neutrality or to public security ;
 - (g) imposed by either High Contracting Party should that High Contracting Party be engaged in hostilities or war.
2. The provisions of Article 15 shall not extend to prohibitions or restrictions—
 - (a) relating to prison-made goods ;
 - (b) relating to the enforcement of police or revenue laws.

ARTICLE 17.

In respect of articles the growth, produce or manufacture of the United States of America specified in Schedules I or II, imported into the United Kingdom or Newfoundland, respectively, and of articles the growth, produce or manufacture of any of the territories to which this Agreement applies on the part of His Majesty The King, enumerated and described in Schedule IV, imported into the United States of America, on which *ad valorem* rates of duty, or duties based upon or regulated in any manner by value, are or may be assessed, the general principles on which dutiable value is determined in each of the importing territories, on the day of the signature of this Agreement, shall not be altered to the detriment of importers.

ARTICLE 18.

If a wide variation should occur in the rate of exchange between the currencies of the United Kingdom and the United States of America, and if either High Contracting Party should consider the variation so substantial as to prejudice the industries or commerce of the territories of that High Contracting Party, such High Contracting Party shall be free to propose negotiations for the modification of this Agreement ; and if agreement is not reached within thirty days after the receipt of such proposal, the High Contracting Party making the proposal shall be free to terminate the Agreement in its entirety on giving thirty days' notice in writing to that effect.

ARTICLE 19.

Each High Contracting Party reserves the right to withdraw or to modify any concession granted in any territory of that High Contracting Party on any article enumerated and described, or specified, in any of the Schedules annexed to this Agreement, or to impose quantitative regulations on the importation of any such article into that territory if, as the result of the extension of such concession to other foreign countries, any such country obtains the major benefit of the concession, and if in consequence imports of the article

concerned increase to such an extent as to threaten serious injury to producers in the territories of that High Contracting Party; provided that, before any action authorized by this Article is taken, the High Contracting Party proposing to take such action shall give the other thirty days' notice thereof in writing and shall consult with that High Contracting Party concerning the proposed action.

ARTICLE 20.

Should any measure be adopted in any territory of either High Contracting Party which, while not conflicting with the terms of this Agreement, appears to the other High Contracting Party to have the effect of nullifying or impairing any of the objects of the Agreement, the first High Contracting Party shall consider such representations and proposals as the other may make, with a view to effecting a mutually satisfactory adjustment of the matter.

ARTICLE 21.

Except as otherwise required by Article 3 of this Agreement or by any of the Schedules annexed hereto—

- (a) Nothing in the Agreement shall entitle His Majesty The King to claim the benefit of any treatment, preference or privilege which may at any time be accorded exclusively by the United States of America, its territories or possessions or the Panamá Canal Zone to one another or to the Republic of Cuba. The provisions of this sub-paragraph shall continue to apply in respect of any benefits now or hereafter accorded by the United States of America, its territories or possessions or the Panamá Canal Zone to the Philippine Islands, irrespective of any change in the political status of the Philippine Islands.
- (b) Nothing in the Agreement shall entitle the United States of America to claim the benefit of any treatment, preference or privilege which may at any time be in force exclusively between territories under the sovereignty of His Majesty The King or under His Majesty's protection or suzerainty; or of any special customs privileges which may be accorded in Palestine to articles the growth, produce or manufacture of any State the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

ARTICLE 22.

Nothing in this Agreement shall be deemed to affect the rights or obligations of either High Contracting Party under any treaty or other international instrument in force between them on the day of the signature of the Agreement.

ARTICLE 23.

This Agreement shall be ratified by His Majesty The King and shall be proclaimed by the President of the United States of America. It shall enter definitively into force thirty days after the exchange of the instrument of ratification and a copy of the proclamation, which shall take place in London as soon as possible.

ARTICLE 24.

Pending the definitive coming into force of this Agreement as provided in Article 23, the provisions thereof other than those of Article 11 and of Schedule III shall be applied provisionally on and after the 1st January, 1939, subject to a right to terminate the provisional application of the Agreement pursuant to the provisions of paragraph 3 of Article 15 and of Article 18. The provisional application of Article 11 and of Schedule III shall be effected as to the several provisions thereof as soon as may be possible.

ARTICLE 25.

Subject to the provisions of paragraph 3 of Article 15 and of Article 18, this Agreement shall remain in force until the 31st December, 1941, and, unless at least six months before the 31st December, 1941, either High Contracting Party shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

In witness whereof the respective Plenipotentiaries have signed this Agreement and have affixed hereto their seals.

Done at the City of Washington, in duplicate, this 17th day of November, 1938.

(L.S.) R. C. LINDSAY.

(L.S.) A. E. OVERTON.

(L.S.) CORDELL HULL.

SCHEDULE I.

PART I.

NOTE.—Articles the growth, produce or manufacture of the United States of America specified in this Part shall not, on their importation into the United Kingdom, from whatever place arriving, be subject to duties or charges of any kind other or higher than those set out in this Part in respect of such articles except that where any of the articles specified in Section A, Part I, of this Schedule are liable in whole or part on the day of signature of this Agreement to the duties set forth in Part 5 or Part 6 of "Customs and Excise Tariff of the United Kingdom of Great Britain and Northern Ireland in operation on the 20th August, 1938," published under the authority of the Commissioners of His Majesty's Customs and Excise, they shall continue to be subject to such duties at rates now in force, or as subsequently changed by the law.

SECTION A.

Article.	Rate of Duty.
Wheat in grain	Free.
Maize in grain, other than flat white maize	Free.
Rice, husked, including cargo rice and cleaned rice, whole, but not including broken rice	½d. per lb.
Oatmeal (including all cuts of oatmeal, oat groats, oat flour and feeding oatmeal or ground oats; but not including oat husks, oat dust or oat husk meal); rolled oats and flaked oats	5s. 0d. per cwt.
Maize starch	10 per cent. <i>ad val.</i>
Linseed cake and linseed meal	10 per cent. <i>ad val.</i>
Fish meal, other than herring meal	10 per cent. <i>ad val.</i>
Crushed oyster shells	10 per cent. <i>ad val.</i>
Hams, not preserved in airtight containers	Free.
NOTE.—The quantity of United States hams permitted to be imported shall be the subject of consultation from time to time between the two Governments. The quantity shall not be less than 500,000 cwts. a year nor more than the quantity which could, in the opinion of the United Kingdom Government, be accommodated on the United Kingdom market without causing instability in the prices of hams and/or bacon. The provisions of this Schedule in respect of both the duty and quota treatment of hams shall, after the expiration of three years, be subject to revision by the Government of the United Kingdom after consultation with the Government of the United States of America.	
Pork, chilled or frozen	Free.
NOTE.—The right is reserved to regulate quantitatively the imports of pork, chilled or frozen, into the United Kingdom.	
Pig's tongues, preserved in airtight containers	10 per cent. <i>ad val.</i>
Pig's heads, pigs' feet and pigs' offal, edible, not preserved in airtight containers	Free.
Sausage casings, wholly of animal origin	10 per cent. <i>ad val.</i>
Fresh or raw fruit:	
Apples	3s. 0d. per cwt. from 16th August to 15th April inclu- sive.
Pears	3s. 0d. per cwt. from 1st August to 31st January inclu- sive.

Article.	Rate of Duty.
Pecan nuts, shelled or unshelled	10 per cent. <i>ad val.</i>
Fruit preserved by chemicals or artificial heat and fruit (other than fresh fruit) preserved by artificial cold; but not including fruit preserved in sugar:	
Grapefruit	Free.
Dried apples, dried pears, dried peaches and dried nectarines	7s. 0d. per cwt. or 10 per cent. <i>ad val.</i> , whichever is the greater.
Apples, other than dried apples	3s. 6d. per cwt.
Ripe black olives in brine, imported in a container when the gross weight (including the weight of the container) does not exceed one cwt.	15 per cent. <i>ad val.</i>
Fruit of the following descriptions, preserved in syrup:	
Apples	2s. 3d. per cwt.
Apricots	15 per cent. <i>ad val.</i>
Cherries, stoned, with or without added flavouring matter	15 per cent. <i>ad val.</i>
Fruit salad, <i>viz.</i> , mixtures of fruit (but not including mixed fruit pulp) containing not less than four separate descriptions of fruit, in which each of at least four descriptions constitutes at least 8 per cent. and no one description represents more than 50 per cent., by weight, of all the fruit in the mixture (excluding syrup)	5s. 6d. per cwt.
Grapefruit	Free
Loganberries	4s. 0d. per cwt.
Peaches	15 per cent. <i>ad val.</i>
Pears	15 per cent. <i>ad val.</i>
Pineapples	5d. 0d. per cwt.
Fruit juices of the following descriptions, sweetened or unsweetened, including such juices concentrated or preserved or flavoured:	
Grapefruit juice	Free.
Orange juice, including such juice containing the detached cells of the fruit but excluding cut or pulped oranges containing the peel	Free.
Prune juice	10 per cent. <i>ad val.</i>
Pineapple juice	10 per cent. <i>ad val.</i>
Citrus fruit pectin in powder form	10 per cent. <i>ad val.</i>
Oysters in shell, of the variety <i>ostrea virginica</i>	15 per cent. <i>ad val.</i>
Salmon, chilled or frozen	½d. per lb.
Fish, preserved in airtight containers, the following:	
Salmon	10 per cent. <i>ad val.</i>
Oysters	15 per cent. <i>ad val.</i>
Pilchards, other than the fish commonly known as "sardines"	7s. 6d. per cwt. or 10 per cent. <i>ad val.</i> , whichever is the greater.
Prawns and shrimps	10 per cent. <i>ad val.</i>
Honey	5s. 0d. per cwt.
Lard	Free.
Oleomargarine, oleo oil and refined tallow, not including premier jus	10 per cent. <i>ad val.</i>
A. B. gums	10 per cent. <i>ad val.</i>
Vegetables of the following descriptions, preserved in airtight containers, but not including vegetables and pickles preserved in vinegar:	
Asparagus	10 per cent. <i>ad val.</i>
Maize, including maize on cob (sweet corn)	10 per cent. <i>ad val.</i>
Beans, with or without flavouring, but not including beans in pod	20 per cent. <i>ad val.</i>
Tomato juice, preserved in airtight containers	10 per cent. <i>ad val.</i>
Boron minerals, crude, and concentrates of boracite and rasorite	Free.
Hardwood, not further prepared than square sawn	10 per cent. <i>ad val.</i>

Article.	Rate of Duty.
Persimmon wood, hickory wood and cornel wood in logs, planks, square cut blocks or lengths, or blocks or lengths of rectangular cross section tapered by sawing on one or more side, not further prepared or manufactured	Free.
Wood and timber of coniferous species, other than boxboards, railway sleepers and sleeper blocks, square sawn, but not further prepared or manufactured :	
11 inches or more in width throughout its length	16s. per standard.*
Other :	
Valued at £18 0s. 0d. or more per standard	16s. per standard.
Valued at £17 0s. 0d. or more, but less than £18 0s. 0d. per standard	10 per cent. <i>ad val.</i> less 1 per cent. <i>ad val.</i> for each 4s. by which the value exceeds £16 16s. 0d. per standard.

Provided that if the Government of the United States notifies the Government of the United Kingdom that the tax imposed on the importation of lumber into the United States under Section 601 (c) (6) of the Revenue Act of 1932, as amended, has been removed; then, for so long as imports into the United States of lumber and timber described in Paragraph 401 of the Tariff Act of 1930 and originating in Canada are exempt from ordinary customs duties and charges in excess of 50 cents per thousand board feet, imports into the United Kingdom of wood and timber of coniferous species originating in the United States of America shall be accorded customs treatment as follows, instead of that provided for above:—

Wood and timber of coniferous species, other than boxboards, railway sleepers and sleeper blocks, square sawn, but not further prepared or manufactured :

9 inches or more in width throughout its length and 15 feet or more in length	Free.
Other :	
Valued at £18 0s. 0d. or more per standard	Free.
Valued at £16 4s. 0d. or more, but less than £18 0s. 0d. per standard	10 per cent. <i>ad val.</i> less 1 per cent. <i>ad val.</i> for each 4s. by which the value exceeds £16 0s. 0d. per standard.

Provided further that, whenever for a period of any four consecutive months the average value of the imports into the United Kingdom from all countries of sawn softwoods (exclusive of planed or dressed softwoods), as now shown in the monthly Trade Returns of the United Kingdom under that heading, either exceeds £14 0s. 0d. per standard or is less than £10 0s. 0d. per standard; then, after consultation with the Government of the United States of America, each of the value limitations set forth in all of the above concessions relating to wood and timber of coniferous species may be increased in the one case by £1 0s. 0d. per standard for each complete pound sterling by which such average value exceeds £13 0d. 0s. per standard, or may be decreased in the other case by £1 0s. 0d. per standard for each complete pound sterling by which such average value is less than £11 0s. 0d. per standard; but the value limitations set forth in the above concessions shall be restored as soon as possible after the conditions which gave rise to these modifications no longer exist.

* The standard referred to throughout this paragraph is the standard of 165 cubic feet.

Article.	Rate of Duty.
Asphalt and bitumen, natural	10 per cent. <i>ad val.</i>
Sulphur	Free.
Cotton, raw	Free.
Cotton linters, unbleached	Free.
Cotton waste, unmanufactured, that is to say, waste arising in any process up to and including spinning or in the doubling process or (not being a waste piece of tissue or of a like material) in the knitting or weaving or ancillary finishing processes, which has not been subjected to any process after becoming waste	Free.
Rosin (colophony)	Free.
Fur skins, of the following descriptions, raw, dried, salted or pickled, but not further treated :	
Muskrat (<i>Ondatra</i>)	Free.
Fox :	
Silver (<i>Vulpes</i>)	} Free.
Cross (<i>Vulpes</i>)	
Red (<i>Vulpes</i>)	
Gray (<i>Urocyon</i>)	
Arctic (<i>Alopes</i>)	
Raccoon (<i>Procyon</i>)	Free.
Skunk (<i>Mephitis</i>)	Free.
Civetcat (<i>Spilogale</i>)	Free.
Opossum (<i>Didelphis</i>)	Free.
Mink (<i>Mustela</i>)	Free.
Otter (<i>Lutra</i>)	Free.
Sea Otter (<i>Enhydra</i>)	Free.
Seeds, of the following kinds :	
Meadow fescue (<i>Festuca pratensis</i>)	10 per cent. <i>ad val.</i>
Smooth stalked meadow grass (<i>Poa pratensis</i>)	10 per cent. <i>ad val.</i>
Agrostis, variety alba	10 per cent. <i>ad val.</i>
Timothy (<i>Phleum pratense</i>)	10 per cent. <i>ad val.</i>
Shells (other than mother of pearl, trochus and other hard shells, including fresh water shells, possessing the characteristic nacre of pearl shell), not in any way prepared or worked	10 per cent. <i>ad val.</i>
Iron and steel bolts, whether threaded or not, bolt ends, set screws and screw studs, and other screws for metal, and nuts, whether tapped or not (including washers assembled with any of those articles) :	
(a) Not exceeding 9/32 inch in maximum thread diameter and of a value exceeding £16 0s. 0d. per cwt.	15 per cent. <i>ad val.</i>
(b) Exceeding 9/32 inch, but not exceeding 13/32 inch in maximum thread diameter and of a value exceeding £10 0s. 0d. per cwt.	15 per cent. <i>ad val.</i>
(c) Exceeding 13/32 inch but not exceeding 9/16 inch in maximum thread diameter and of a value exceeding £6 5s. 0d. per cwt.	15 per cent. <i>ad val.</i>
(d) Exceeding 9/16 inch in maximum thread diameter and of a value exceeding £5 0s. 0d. per cwt.	15 per cent. <i>ad val.</i>
Furniture made wholly or mainly of metal (including aseptic hospital furniture), the following :	
Tables	15 per cent. <i>ad val.</i>
Stands, desks and counters	15 per cent. <i>ad val.</i>
Chairs (other than pedestal chairs with reclining movement), stools and seats	15 per cent. <i>ad val.</i>
Bookcases and bookshelves	15 per cent. <i>ad val.</i>
Cash and deed boxes	15 per cent. <i>ad val.</i>
Drawers and cupboards	15 per cent. <i>ad val.</i>
Shelving	15 per cent. <i>ad val.</i>
Storage bins and storage racks	15 per cent. <i>ad val.</i>
Office letter racks and letter trays	15 per cent. <i>ad val.</i>
Lockers	15 per cent. <i>ad val.</i>
Safes and cabinets, including filing cabinets, made wholly or mainly of metal	15 per cent. <i>ad val.</i>

Article.	Rate of Duty.
Tools, the following :	
Saws (other than power-driven saws and surgical saws) of a value of 3s. 9d. or more each	15 per cent. <i>ad val.</i> or 9d. each, whichever is the greater.
Files and rasps of which the serrated part exceeds 6 inches in length, but not including nail files	15 per cent. <i>ad val.</i>
Broaches	20 per cent. <i>ad val.</i>
Wrenches and spanners, excluding chain pipe wrenches and adjustable pipe wrenches having one fixed jaw, one movable jaw, and one or more springs, but including other pipe wrenches and tap wrenches	15 per cent. <i>ad val.</i>
Braces, not including breast drills and hand drills	15 per cent. <i>ad val.</i>
Vices of all kinds	15 per cent. <i>ad val.</i>
Screw plates	15 per cent. <i>ad val.</i>
Threading dies and taps	15 per cent. <i>ad val.</i>
Pipe cutters	15 per cent. <i>ad val.</i>
Non-portable lifting jacks	15 per cent. <i>ad val.</i>
Tyre levers and other appliances for fitting tyres	15 per cent. <i>ad val.</i>
Medical and surgical appliances (other than article manufactured wholly or mainly of wire), the following :—	
Arch supporters for feet	20 per cent. <i>ad val.</i>
Artificial limbs	20 per cent. <i>ad val.</i>
Crutches	20 per cent. <i>ad val.</i>
Fracture appliances in the form of splints and similar supports	20 per cent. <i>ad val.</i>
Trusses	20 per cent. <i>ad val.</i>
Artificial teeth, crowns and facings (excluding teeth, crowns and facings for specimen purposes mounted on metal strips or having a number indelibly impressed or embossed on the front thereof) :	
(a) wholly or partly of metal	10s. 0d. per hundred or 20 per cent. <i>ad val.</i> , whichever is the greater.
(b) all others	2s. 0d. per hundred or 20 per cent. <i>ad val.</i> , whichever is the greater.
Dental instruments and appliances, the following :	
Amalgam instruments of a value exceeding 1s. 6d. each	20 per cent. <i>ad val.</i>
Brushes, bristle, mounted on mandrel, of a value exceeding 1½d. each	20 per cent. <i>ad val.</i>
Burnishers of a value exceeding 1s. 0d. each	20 per cent. <i>ad val.</i>
Burs of a value exceeding 9d. per dozen	20 per cent. <i>ad val.</i>
Carvers of a value exceeding 1s. 5d. each	20 per cent. <i>ad val.</i>
Elevators of a value exceeding 4s. 3d. each	20 per cent. <i>ad val.</i>
Engines, electric, dental, of a value exceeding £18 0s. 0d. each	20 per cent. <i>ad val.</i>
Excavators of a value exceeding 1s. each	20 per cent. <i>ad val.</i>
Files of a value exceeding 1s. 2d. each	20 per cent. <i>ad val.</i>
Forceps of a value exceeding 9s. each	20 per cent. <i>ad val.</i>
Gags, mouth, of a value exceeding 1s. 3d. each	20 per cent. <i>ad val.</i>
Mirrors, mouth, of a value exceeding 6d. each	20 per cent. <i>ad val.</i>
Plastic filling instruments of a value exceeding 1s. 5d. each	20 per cent. <i>ad val.</i>
Pluggers of a value exceeding 1s. 2d. each	20 per cent. <i>ad val.</i>
Probes and explorers of a value exceeding 1s. each	20 per cent. <i>ad val.</i>
Pyorrhoea instruments of a value exceeding 1s. 3d. each	20 per cent. <i>ad val.</i>
Scalers and prophylactic instruments of a value exceeding 1s. 6d. each	20 per cent. <i>ad val.</i>
Spittoons, of a value exceeding £8 0s. 0d. each	20 per cent. <i>ad val.</i>
Spotlights, electric, complete with attachment for fitting to pedestals or units, of a value exceeding £3 0s. 0d. each	20 per cent. <i>ad val.</i>
Stoppers of a value exceeding 1s. 9d. each	20 per cent. <i>ad val.</i>
Trimmers of a value exceeding 9d. each	20 per cent. <i>ad val.</i>

Article.	Rate of duty.
Dental plate fixative powder	10 per cent. <i>ad val.</i>
Sound amplification apparatus (other than hearing aid appliances designed for the use of the deaf), the following :	
Amplifiers	25 per cent. <i>ad val.</i>
Loud speakers	25 per cent. <i>ad val.</i>
Dictating machines, i.e., machines of the types used for recording dictated correspondence ; and reproducing machines and record shaving machines adapted for use in connection therewith	10 per cent. <i>ad val.</i>
Accumulators (electric storage batteries)	15 per cent. <i>ad val.</i>
Electrical cooking apparatus (including industrial electrical cooking apparatus) and heating elements therefor	15 per cent. <i>ad val.</i>
Electrical heating apparatus (including industrial electrical heating apparatus) and heating elements therefor	15 per cent. <i>ad val.</i>
Electrically operated machines of the types used for domestic and household purposes, the following :	
Food mixers	15 per cent. <i>ad val.</i>
Dish washers	15 per cent. <i>ad val.</i>
Drink mixers	15 per cent. <i>ad val.</i>
Fruit juice extractors	15 per cent. <i>ad val.</i>
Electrically operated machines, the following :	
Hair clippers	15 per cent. <i>ad val.</i>
Dry shavers	15 per cent. <i>ad val.</i>
Agricultural tractors :	
Tracklaying tractors of a type suitable for hauling or pushing implements, with or without separate power take off, but not including machines specially adapted for other purposes, in which the track is ancillary	25 per cent. <i>ad val.</i>
Tractors other than tracklaying	15 per cent. <i>ad val.</i>
Air and gas compressors and exhausters	20 per cent. <i>ad val.</i>
Injectors for boilers	20 per cent. <i>ad val.</i>
Cash registers, with or without one or more cash drawers, with or without accumulating registers (totalizers) and with or without tape recording printing and ticket issuing devices	15 per cent. <i>ad val.</i>
Dairy machinery, other than cream separators, the following :	
Milking machines	15 per cent. <i>ad val.</i>
Other kinds	20 per cent. <i>ad val.</i>
Automatic multi-head glass bottle making machines	15 per cent. <i>ad val.</i>
Automatic multi-head machines of the types used for :	
(a) making glass steams for electric lamps	15 per cent. <i>ad val.</i>
(b) exhausting electric lamps and valves	15 per cent. <i>ad val.</i>
Dry cleaning and laundering machines (other than hand operated machines of the types used for domestic purposes), the following :	
Cleaners and washers	15 per cent. <i>ad val.</i>
Driers	15 per cent. <i>ad val.</i>
Wringers	15 per cent. <i>ad val.</i>
Ironing machines	15 per cent. <i>ad val.</i>
and any combination thereof.	
Office machinery of the following kinds, other than machines operated in conjunction with punched cards :	
Accounting machines	15 per cent. <i>ad val.</i>
Calculating machines	15 per cent. <i>ad val.</i>
Adding machines	15 per cent. <i>ad val.</i>
Listing machines	15 per cent. <i>ad val.</i>
Bookkeeping machines	15 per cent. <i>ad val.</i>
Billing machines	15 per cent. <i>ad val.</i>
Posting machines	15 per cent. <i>ad val.</i>
and any combination thereof, including typewriters incorporated in these machine.	
Typewriters, with or without cases (not including electric typewriters, accounting, adding, listing, bookkeeping or billing machines or typewriters incorporated therein) :	
Of a weight exceeding 22 pounds and of a value exceeding £ 6. 0s. 0d. per machine	£3 10s. 0d. per machine.

Article.	Rate of Duty.
Other office machinery of the following kinds :	
Addressing machines	15 per cent. <i>ad val.</i>
Letter opening machines	15 per cent. <i>ad val.</i>
Letter sealing machines	15 per cent. <i>ad val.</i>
Machines, other than typewriters, of a type specially adapted for the mechanical writing of cheques	15 per cent. <i>ad val.</i>
Stamp affixing machines	15 per cent. <i>ad val.</i>
Machines of the types used for the automatic production of typewritten correspondence, with or without motors, but not including typewriters used in connection therewith	15 per cent. <i>ad val.</i>
Coin sorting, counting and wrapping machines	15 per cent. <i>ad val.</i>
Perforating machines	15 per cent. <i>ad val.</i>
Postage franking machines	15 per cent. <i>ad val.</i>
Packing and labelling machines, the following :	
Cappers, sealers (excluding carton sealing machines) and closers	15 per cent. <i>ad val.</i>
Carton and bread wrappers (but not including bread slicers)	20 per cent. <i>ad val.</i>
Labelling machines	20 per cent. <i>ad val.</i>
Can casing machines	20 per cent. <i>ad val.</i>
Filling machines with weighing devices	20 per cent. <i>ad val.</i>
Paper making and board making machines	20 per cent. <i>ad val.</i>
Portable electric or pneumatic tools	20 per cent. <i>ad val.</i>
Marine outboard motors	20 per cent. <i>ad val.</i>
Typesetting machines	15 per cent. <i>ad val.</i>
Rotary newspaper printing machines, that is to say, rotary printing machines designed for the printing of newspapers and the like from reels of paper, and equipped with cutting and folding mechanism	15 per cent. <i>ad val.</i>
Automatic cardboard box and carton forming and lining machines	20 per cent. <i>ad val.</i>
Pumps of the types used for the delivery of petrol and oil at garages and filling stations	15 per cent. <i>ad val.</i>
Electrically operated refrigerators, having a storage capacity not exceeding 12 cubic feet, and complete mechanical units for such refrigerators	15 per cent. <i>ad val.</i>
Air conditioning machines, self-contained, comprising elements for cooling, control of humidity, cleaning and circulating of air	15 per cent. <i>ad val.</i>
Sewing machine heads, being, in the case of hand sewing machines, machines without stands or separable cabinet work and, in the case of treadle or power-operated machines, machines without stands or separable cabinet work and without equipment for providing motive power	15 per cent. <i>ad val.</i>
Textile machinery of the following kinds :	
Warp tying machines	15 per cent. <i>ad val.</i>
Warp drawing machines	15 per cent. <i>ad val.</i>
Circular knitting machines	20 per cent. <i>ad val.</i>
Vacuum cleaners, electrically operated	15 per cent. <i>ad val.</i>
Machinery belting of leather over 1/8-inch thick and not more than 24 inches wide, of a value not less than £30 0s. 0d. per cwt.	10 per cent. <i>ad val.</i>
Machinery belting of rubber (including balata and gutta percha) and canvas, of a value not less than £12 10s. 0d. per cwt.	10 per cent. <i>ad val.</i>
Hardwood flooring blocks or strips, planed and tongued and grooved or planed and otherwise manufactured	17 1/2 per cent. <i>ad val.</i>
Hardwood parquet flooring in sections composed of blocks or strips glued or otherwise joined together	17 1/2 per cent. <i>ad val.</i>
Tool handles of wood, the following :	
Fork, shovel and spade handles, of the box or "D" type, whether riveted or not	Free.
Other tool handles	15 per cent. <i>ad val.</i>
Plywood, faced with softwood	10 per cent. <i>ad val.</i>

Article.	Rate of Duty.
Articles, manufactured wholly or partly of wood, the following :	
Doors of a height and width not less than 6 feet and 2 feet respectively	1s. 6d. each or 20 per cent. <i>ad val.</i> , whichever is the greater.
Oak staves not further prepared than sawn (whether cylindrically or otherwise)	10 per cent. <i>ad val.</i>
Other oak staves	20 per cent. <i>ad val.</i>
Oak sections of cask heads not dowel-holed or pegged and cask heads consisting of a single circular sheet of oak	10 per cent. <i>ad val.</i>
Cask heads of oak, other than those consisting of a single circular sheet	20 per cent. <i>ad val.</i>
Cask hoops, including hoopwood in strips, notched or otherwise jointed at the ends	20 per cent. <i>ad val.</i>
Hoopwood in the form of strips of rough wood, whether straight or coiled, but not included strips notched or otherwise jointed at the ends	10 per cent. <i>ad val.</i>
Wooden bungs and shives	20 per cent. <i>ad val.</i>
Wooden boot last blocks roughly shaped by sawing or turning, but not further manufactured	10 per cent. <i>ad val.</i>
Other wooden boot and shoe lasts, stretchers and trees	20 per cent. <i>ad val.</i>
Wooden golf club head blocks roughly shaped by sawing, but not further manufactured	10 per cent. <i>ad val.</i>
Wooden gun, carbine, and rifle stock blocks, roughly shaped by sawing, and such blocks planed or polished, but not further manufactured	10 per cent. <i>ad val.</i>
Pencil slats of wood	10 per cent. <i>ad val.</i>
Women's and girls' outer garments being costumes, dresses, coats and skirts made entirely of woven fabrics, consisting wholly of cotton, and of a value exceeding 4s. per garment, excluding articles which consist wholly or partly of lace or lace net or material resembling these, or which at any stage of manufacture have been subjected, as to the whole or a part thereof, to a process of embroidery by hand or machine needle work, stiletto work, borer work, cut work or drawn thread work, or to a process producing a similar effect	20 per cent. <i>ad val.</i>
Women's and girls' footwear, the following :	
Boots, bootees, shoes, overshoes, slippers and sandals of all descriptions, of a value exceeding 10s. a pair (but not including articles made wholly or partly of rubber, balata or gutta percha, except where the outer part of the uppers, apart from stitchings, fastenings or ornaments, is made entirely of leather or leather and elastic)	2s. 0d. per pair or 15 per cent. <i>ad val.</i> , whichever is the greater.
Paraffin wax	10 per cent. <i>ad val.</i>
Boric acid (refined)	20 per cent. <i>ad val.</i>
Borax (refined)	20 per cent. <i>ad val.</i>
Sodium chromate	10 per cent. <i>ad val.</i>
Sodium bi-chromate	8s. 0d. per cwt.
Chestnut extract	10 per cent. <i>ad val.</i>
Carbon black from natural gas	10 per cent. <i>ad val.</i>
Oil varnishes containing one or more of each of the following ingredients, viz., resins, drying oils, thinners and driers, but not including cellulose ester varnishes and preparations containing pigments	15 per cent. <i>ad val.</i>
Petroleum jelly not containing any other substance	10 per cent. <i>ad val.</i>
Soft soap	15 per cent. <i>ad val.</i>
Hard soap, other than abrasive soap and toilet soap	15 per cent. <i>ad val.</i>
Shaving soap and cream and brushless shaving cream	15 per cent. <i>ad val.</i>
Hide leather, undressed, the following :	
Bellies and shoulders for soles	10 per cent. <i>ad val.</i>
Hides and skins, undressed, the following :	
Pickled splits, other than grain splits	10 per cent. <i>ad val.</i>

Article.	Rate of Duty.
Reptile leather, undressed, of the following descriptions : Snake, lizard, crocodile and alligator skins, not shaped	10 per cent. <i>ad val.</i>
Leather, dressed, the following : Waxed splits, not chrome tanned or shaped, other than grain splits	15 per cent. <i>ad val.</i>
Reptile leather, dressed, of the following descriptions : Snake, lizard, crocodile and alligator skins, not shaped or subjected to any process other than dressing or dressing and colouring	15 per cent. <i>ad val.</i>
Glacé kid, being chrome tanned goatskin of smooth, polished finish, not shaped	10 per cent. <i>ad val.</i>
Scrap or waste of chrome tanned calf, kip or hide leather, being leather of a kind not used in the uppers of boots and shoes.	15 per cent. <i>ad val.</i>
Dressed pigskin, peccary and carpincho leather, not shaped.	15 per cent. <i>ad val.</i>
Women's handbags and pochettes, whether fitted or not, made wholly or partly of leather or material resembling leather, without key locks, of which neither the length nor the width exclusive of the handle, exceeds 12 inches, and of a value exceeding 4s. each	1s. 0d. each or 20 per cent. <i>ad val.</i> , whichever is the greater.
Paper manufactures, the following : Paper dress patterns, including the paper envelopes in which they are enclosed	15 per cent. <i>ad val.</i>
Vulcanized fibre in reels, coils, sheets, strips, rods or tubes, not further manufactured	16 2/3 per cent. <i>ad val.</i>
Face and hand towels, made wholly of paper, of a weight when fully extended equivalent to not less than 10 pounds to the ream of 480 sheets of double crown measuring 20 inches by 30 inches	16 2/4 per cent. <i>ad val.</i>
Serviettes and handkerchiefs, not printed, of a superficial area not exceeding 400 square inches, made wholly of paper, of a weight when fully extended equivalent to not less than 7 pounds to the ream of 480 sheets of double crown measuring 20 inches by 30 inches.	16 2/3 per cent. <i>ad val.</i>
Motor cars and chassis for motor cars (complete with engines) of 25 horse power and upwards, calculated in accordance with the Road Vehicles (Registration and Licensing) Regulations, 1924	33 1/3 per cent. <i>ad val.</i>
Sheets or sheeting wholly of rubber imported as such	10 per cent. <i>ad val.</i>
Tubing and piping wholly of rubber (including compounded rubber, vulcanite and ebonite), balata or gutta percha, of a value exceeding 2s. per pound	10 per cent. <i>ad val.</i>
Tubing and piping wholly or partly of rubber (including compounded rubber, vulcanite and ebonite), balata or gutta percha, reinforced or armoured throughout its length with metal wire or strip	10 per cent. <i>ad val.</i>
Tubing and piping (not including, when imported as such, articles comprised in the two items immediately preceding), manufactured partly of rubber (including compounded rubber, vulcanite and ebonite), balata or gutta percha, with or without nozzles or other fittings attached thereto	1 1/2 d. per lb. or 15 per cent. <i>ad val.</i> , whichever is the greater.
Material consisting of rubber sheeting with a textile backing not made up	20 per cent. <i>ad val.</i>
Celluloid (cellulose) nitrate film base, not sensitized, and celluloid scrap and waste.	10 per cent. <i>ad val.</i>
Felt base floor covering, being floor covering of which the base is bitumenised paper or other bitumenised felted material	15 per cent. <i>ad val.</i>
Oil baize and other oilcloth (including oilskin) and leather cloth, not made up, being fabrics with a cotton base, but excluding fabrics consisting only of cotton and rubber	2d. per lb. or 15 per cent. <i>ad val.</i> , whichever is the greater.

Article.	Rate of Duty.
Hair, being hair of the tails or manes of horses, asses, mules and bovine animals, and hair of pigs, hogs and boars, dressed and/or dyed, but not further processed or manufactured	10 per cent. <i>ad val.</i>
Complete pipe organs and complete reed organs, not including organs with electrical amplification	25 per cent. <i>ad val.</i>
Gramophones with electrical amplification, including radio-gramophones	25 per cent. <i>ad val.</i>
Gramophone records for reproducing Music	25 per cent. <i>ad val.</i>
Toilet preparations of the following descriptions (excluding bath salts and essences, prepared fullers earth and soap):	
Tooth paste or powder and liquid preparations for dental purposes and mouth washes	20 per cent. <i>ad val.</i>
Toilet paste or powder	20 per cent. <i>ad val.</i>
Toilet cream	20 per cent. <i>ad val.</i>
Lipstick, rouge and greasepaint	20 per cent. <i>ad val.</i>
Hair dyes	20 per cent. <i>ad val.</i>
Preparations for use in manicure or chiropody	20 per cent. <i>ad val.</i>
Other preparations for use on the hair, face or body	20 per cent. <i>ad val.</i>
Printers' ink	17 1/2 per cent. <i>ad val.</i>
Appliances, apparatus, accessories and requisites for sports, games gymnastics or athletics, the following :	
Coin or disc operated machines and parts thereof	20 per cent. <i>ad val.</i>
Fishing tackle, the following :	
Rods wholly or mainly of iron or steel	15 per cent. <i>ad val.</i>
Reels, of a value of not less than 8s. each	15 per cent. <i>ad val.</i>
Golf clubs, of a value exceeding 12s. 6d. each	20 per cent. <i>ad val.</i>
Golf club shafts, of a value exceeding 4s. 6d. each	20 per cent. <i>ad val.</i>
Golf tees of wood	20 per cent. <i>ad val.</i>
Golf club bags	20 per cent. <i>ad val.</i>
Oars and paddles for rowing boats and canoes	20 per cent. <i>ad val.</i>
Stationery, the following :	
Drawing ink	17 1/2 per cent. <i>ad val.</i>
Paste and mucilage in small containers	15 per cent. <i>ad val.</i>
Rubber bands	15 per cent. <i>ad val.</i>
Rubber erasers, of a value exceeding 1s. 8d. per pound	15 per cent. <i>ad val.</i>
Parts for files	20 per cent. <i>ad val.</i>
List binders	20 per cent. <i>ad val.</i>
Indexers	20 per cent. <i>ad val.</i>
Paper clips wholly of wire, of a value exceeding 4 1/2d. per pound	1 1/2 per lb. or 20 per cent. <i>ad val.</i> whichever is the greater.
Pen nibs	20 per cent. <i>ad val.</i>

SECTION B.

Article.	Rate of Duty.
Veal offals, edible, not preserved in airtight containers.	20 per cent. <i>ad val.</i>
NOTE.—The right to regulate quantitatively the imports of veal offals into the United Kingdom is reserved.	
Dried prunes and dried apricots	10s. 6d. per cwt.
Raisins	10s. 6d. per cwt.

Article.

Rate of Duty.

Corsets and similar body supporting undergarments and brasieres, excluding articles which consist wholly or partly of lace or lace net or material resembling these, or which at any stage of manufacture have been subjected as to the whole or a part thereof, to a process of embroidery by hand or machine needle work, stiletto work, borer work, cut work or drawn thread work, or to a process producing a similar effect :

- (a) Where the value of the silk or artificial silk component or the aggregate of the values of all such components, as the case may be, exceeds 5 per cent. but does not exceed 20 per cent. of the aggregate of the values of all the components of the article

Where any component is silk.—4s. 0d. per lb. or 25 per cent. *ad val.*, whichever is the greater.
Where no component is silk.—1s. 8d. per lb. or 25 per cent. *ad val.*, whichever is the greater.

- (b) Where the value of the silk or artificial silk component or the aggregate of the values of all such components, as the case may be, does not exceed 5 per cent. of the aggregate of the values of all the components of the article

Where any component is silk.—9d. per lb. or 20 per cent. *ad val.*, whichever is the greater.

- (c) Where no silk or artificial silk is present
Stockings and socks made wholly of silk, or containing silk components the value whereof exceeds 20 per cent. of the aggregate of the values of all the components thereof

Where no component is silk.—4d. per lb. or 20 per cent. *ad val.*, whichever is the greater.

20 per cent. *ad val.*

12s. 0d. per lb. or 43 1/3 per cent. *ad val.*, whichever is the greater, provided that in no case shall the duty exceed 10s. 0d. per dozen pairs.

Patent leather, not shaped

7 1/2 per cent. *ad val.*

NOTE.—This rate of duty will not become operative until a suitable opportunity for legislation arises; but it will be given effect not later than the 1st August, 1939.

PART II.

Article.

Added sugar contained in articles specified in Part I, Section A, of this Schedule.

NOTE.—As regards the sugar content of any such articles the preferential duty margins allowed in the United Kingdom in respect of the sugar content of similar British Empire articles shall be stabilised as long as the main preferential duty margins in respect of sugar imported as such remain stabilised. If such margins in respect of sugar imported as such are changed, the preferential duty margins in respect of the sugar content of any of the articles specified in Part I, Section A, of this Schedule shall be changed correspondingly.

Article.

Rate of Duty.

Similarly, the rates of duty on the sugar content of any article specified in Part I, Section A, of this Schedule shall remain unchanged as long as the main rates of duty on sugar imported as such remain unchanged. If such rates of duty on sugar imported as such are changed the rates of duty on the sugar content of any article specified in Part I, Section A, of this Schedule shall be changed correspondingly.

Tobacco, unmanufactured.

NOTE.—In the course of the discussions leading to the Agreement signed this day, the United States Government has asked for a reduction in the preference accorded in the United Kingdom to Empire tobacco. The Government of the United Kingdom have recognised that this request is one to which the United States Government has attached much importance but they have been prevented from entertaining it by the existence of Agreements with several Governments within the British Empire which guarantee continuance of the present margin of preference until August, 1942. The Government of the United Kingdom will be prepared before decisions are taken as to the level of the preference after August, 1942, to examine the position as it then stands and the possibility of reducing the margin of preference. Meanwhile it will not be increased.

SCHEDULE II.

NOTE.—Articles the growth, produce or manufacture of the United States of America specified in this Schedule shall not, on their importation into Newfoundland, from whatever place arriving, be subject to duties or charges of any kind other or higher than those specified in the third column; nor shall the said articles be subject to duties or charges of any kind which exceed the duties or charges applicable to like articles the growth, produce or manufacture of any territory under the sovereignty of His Majesty the King or under His Majesty's suzerainty or protection by more than the margin of preference indicated in the fourth column.

The provisions of the foregoing paragraph shall not apply to those rates of duty or margins of preference marked with an asterisk. In respect of these items it is recognised that the equilibrium of the Agreement would be disturbed if the rates of duty or margins of preference so marked were increased above the rates or margin shown. In such a case it is agreed that the Government of the United Kingdom would, after consultation with the Government of Newfoundland, enter into discussions with the Government of the United States not less than thirty days before the date on which such increased rate of duty or margin of preference becomes effective, with a view to restoring the equilibrium of the Agreement. It is further agreed that the Government of the United Kingdom would adopt the same procedure if a preference were accorded on any article specified in this Schedule to any territory under the sovereignty of His Majesty the King or under His Majesty's suzerainty or protection which does not enjoy such a preference on the day of the signature of this Agreement.

The provisions of this Schedule shall be interpreted as though they had been included in the Newfoundland tariff law in force on the day of the signature of this Agreement by an amendment to that law.

Newfoundland Tariff Item No.	Class or Description of Goods.	Rate of Duty.	Margin of Preference.
15	Wheat meal and flour . . .	Free	..
38	Beef, salted, in barrels . . .	\$1.55 per brl.	Nil*
39	Pork, salted, including heads, jowls, tongues &c., in barrels or half- barrels	\$1.55 per brl.	Nil*
41	Hams and tongues, dry salted or pick- led	\$0.03 per lb.	Nil*

Newfoundland Tariff Item No.	Class or Description of Goods.	Rate of Duty.	Margin of Preference.
76	Fruit—raw :		
	Apples . . . . .	..	Nil
ex 77	Fruit—raw :		
	Oranges, melons, pumpkins, le- mons, limes, grapes, grapefruit, peaches, pears, plums, apricots, cherries, gooseberries, currants, strawberries, pineapples, pome- granates, guava, shaddocks, mangoes and similar green fruits	Free	..
ex 78	Dried fruits (other than dates); currants and dried raisins, N.E.S. . .	\$0.02 per lb.	Nil*
79	Prunes, figs and fig-cake	Free	..
ex 80	Natural-dried sultana type raisins, otherwise known as Natural Thomp- son's Seedless Raisins, in bulk or in package	Free	..
93	Lard, lard compound and similar sub- stances, cottolene and stearine of all kinds, N.E.S.	30% <i>ad val.</i>	Nil*
94	Milk and cream, preserved, sterilized or condensed, and milk powders, in- cluding the weight of immediate coverings . . . . .	..	Nil
161	Tobacco, manufactured, for pipe smoking only . . . . .	..	Nil
162	Tobacco, manufactured, commonly used in making cigarettes or for both pipe and cigarette smoking . . . . .	..	Nil
164	Cigarettes, manufactured . . . . .	..	Nil.
249	Felt, for pulp and paper machines . .	Free	..
353	Axes, saws of all kinds, N.E.S., adzes, cleavers, hatchets, hammers and tools of all kinds, edged or not, for hand use, N.E.S., including bench machines, wedges, sledges, crow-bars cant-dogs, track tools, picks and eyes, renches and pliers of all kinds; shovels and spades of iron and steel or other metals; wooden shovels, tool and implement handles of all kinds, N.E.S. . . . .	..	10% <i>ad val.</i>
354	Anvils, vices, files and rasps, rules of all kinds, N.E.S., mallets and gauges, smith's bellows, horse shoes, dia- monds for glaziers' use, glass cutters and emery . . . . .	..	10% <i>ad val.</i>
358	Builders', cabinet makers', upholster- ers' and trunkmakers' hardware, including furniture springs, hinges and locks, N.E.S., screws, commonly called wood screws, of iron, steel, brass or other metal (plated or not) and machine and other screws, N.E.S.; coal boxes and coal scoops, buckets and slop pans; traps of iron or other metal, including rat and mouse traps, wholly or partially made of wood . . . . .	..	10% <i>ad val.</i>
ex 369	Cinematograph apparatus and cameras of all kinds and parts therefor . .	45% <i>ad val.*</i>	Nil

Newfoundland Tariff Item No.	Class or Description of Goods.	Rate of Duty.	Margin of Preference.
381	Electric motors and generators, N.E.S., switchboards and accessories therefor, transformers and accessories therefor, condensers, capacitors, converters, oil circuit breakers, voltage and induction regulators, lightning arresters, auto starters and commutators, motor control apparatus, domestic lighting sets . . .	..	10% <i>ad val.</i>
382	Electric wires and cables (insulated), insulators, electric lamps including bulbs and shades, meters, wiring devices such as switches, sockets, porcelain knobs and tubes; telephone and telegraph instruments, and parts thereof not capable of other use; magnetos and spark plugs . . .	..	10% <i>ad val.</i>
383	Radio receivers and transmitters and parts thereof not capable of other use	30% <i>ad val.</i> *	Nil
385	Electric batteries of all kinds, including storage batteries, dry cell batteries (single and multiple cell), flashlight batteries, galvanic batteries, primary and Secondary batteries, N.E.S. . .	..	Nil
386	Electrically-driven appliances (including razors and hair trimmers), N.E.S. . .	..	Nil
387	Electrical appliances for cooking and heating . . .	45% <i>ad val.</i> *	Nil
401	Hand and power machinery and duplicate parts thereof, N.E.S., such as: drilling machines, fan blowers, portable forges, pumps, turning lathes, fretsaw machines, scroll saw machines and dating, ruling, paging and perforating machines, including pens for same, and machinery of a kind not manufactured in this Island, N.E.S., and welding outfits . . .	..	10% <i>ad val.</i>
403	Machinery and parts therefor, such as: wood-working and saw mill machinery, steam engines and turbines, gas engines, stationary engines (not marine), motor engines, N.E.S., water wheels and tubinines, elevators, steam and hot water boilers for power and heating purposes, furnaces and radiators, N.E.S., horse power machines, hoisting engines, N.E.S., concrete mixers, rock crushers, cranes and derricks, digging or dredging machines and grips and buckets therefor . . .	..	10% <i>ad val.</i>
410	Machinery and parts of machinery, N.E.S. . .	..	Nil
441	Cotton yarn and twist . . .	Free	..
442	Piecegoods, wholly or mainly of cotton, printed or dyed or not, not made up in any manner . . .	20% <i>ad val.</i> *	5% <i>ad val.</i>
443	Made up or partly made up articles, wholly or mainly of cotton (except apparel), N.E.S., such as: quilts, sheets, towels and curtains . . .	45% <i>ad val.</i> *	5% <i>ad val.</i>
463	Men's and youths' long rubber boots .	Free	..

Newfoundland Tariff Item No.	Class or Description of Goods.	Rate of Duty.	Margin of Preference.
ex 464	Boots, shoes and slippers for women and children; such footwear being of leather or imitation leather, and of a value in the country of exportation of \$1.00 or more per pair . . .	35% <i>ad val.</i> *	5% <i>ad val.</i>
467	Hats, caps, bonnets, and hat, cap and bonnet shapes, of any material . . .	55% <i>ad val.</i> *	5% <i>ad val.</i>
ex 468	Readymade clothing, wholly or mainly of material other than wool, for women and girls, viz.: costumes, dresses, coats and skirts . . .	35% <i>ad val.</i> *	5% <i>ad val.</i>
ex 469	Undergarments of any material not knitted, for men and boys, viz.: cuffs, collars, pyjamas, shirts, under-vests and like garments . . .	35% <i>ad val.</i> *	5% <i>ad val.</i>
470	Gloves and mitts of any material, N.E.S. . .	..	Nil
481	Acids, drugs and medicinal, chemical and pharmaceutical preparations, when not containing alcohol, N.E.S., such as acetic acid, tartaric acid, cream of tartar, carbonate of ammonia, arsenic, boracite, borate of lime, borate of manesium, borax, brimstone, bromides, carbide of calcium, carbonic acid gas, chlorides, chloral hydrate, cyanides, glycerine, hydrogen peroxide, iodine, saltpetre, soda compounds, Peruvian bark, opium, quinine and quinine salts; disinfectants and insecticides, extracts, patent and proprietary preparations, pills, powders, torches, lozenges, syrups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences, essential oils and oils, oiled silk; absorbent cotton, cottonwool, lint, lambswool, tow, jute, gauze and oakum, &c., prepared for use in surgical dressings; plain and medicated surgical belts, pessaries and suspensory bandages of all kinds; refined cod liver oil and compounds of which cod liver oil forms a prominent part; liquorice paste, liquorice in rolls and stick, when of a quality known as Spanish liquorice; Burgundy pitch, vaseline and all medicinal preparations of petroleum . . .	..	10% <i>ad val.</i>
521	Printing paper and manufactures of paper, N.E.S.; transparent cellulose wrapping paper, writing paper, wrapping paper, toilet paper, blotting paper; sand, glass, flint and emery papers; emery cloth; mill-board; strawboard in sheets or rolls; cardboard; ruled, bordered and coated paper papetries; paper bags or sacks when not printed upon . . .	..	10% <i>ad val.</i>
569	Automobiles or motor cars, and other similar motor vehicles and tyres for same . . .	..	10% <i>ad val.</i>

Newfoundland Tariff Item No.	Class or Description of Goods.	Rate of Duty.	Margin of Preference.
570	Parts and accessories, including jacks, radiator cement, so called, for automobiles or motor cars or other similar motor vehicles, N.E.S. . . . .	..	10% <i>ad val.</i>
M-1006	Lard, neutral stock, lard oil to be used in manufactures . . . . .	..	Nil
M-1007	Lard, lard stock; milk testing substances, milk powder, cocoanut, cottonseed, oleo, olein beef, olive, palm, sesame and other oils; paraffin wax; parchment liners, circles and fasteners, when imported by manufacturers of butterine or oleo-margarine . . . . .	..	Nil
M-1014	Tobacco leaf and stems when imported by licensed manufacturers in bond . . . . .	..	Nil
M-1015	Tobacco leaf stripped, when imported by licensed manufacturers in bond . . . . .	..	Nil
M-1041	Mining machinery of all kinds, costing at the place of shipment not less than \$100 per machine or piece, and not including repair parts, mountings and accessories, when used solely for prospecting, mining, quarrying, oil-boring, pumping and refining and of a kind not manufactured in this Island, viz.: (a) rock drills, coal cutters, power-loaders and power-shovels; (b) pumps of all kinds to be used for pumping water or oil from the workings to the surface; (c) hoisting engines, haulage engines and conveying machinery to be used for lifting, hauling or conveying coal or ore from the workings to the surface; (d) crushers or other machinery for use in facilitating the refining of coal or ore; (e) special machinery of all kinds to be used in washing, concentrating, reducing and refining coal, ore and oil, or for the manufacture of brick; (f) prospecting drills of all kinds; miners' diamonds and diamond set bits for diamond drills; (g) oil-boring drills and special machinery for pumping and refining oil; (h) cranes and derricks, when used to lift or transport coal or ore from the workings to steamers or cars; (i) steam engines, internal combustion engines, electric generators, electric motors, air compressors and steam boilers to be used for the operation of any of the above-mentioned machinery. The importation of machinery under this section is subject to rules and regulations to be made by the Commissioner for Finance, and is subject to the provisions in such cases provided for under the Customs and Excise Act, 1938, whereby articles mentioned in		

Newfoundland Tariff Item No.	Class or Description of Goods.	Rate of Duty.	Margin of Preference.
M-1041 (contd.)	this section shall be dealt with as smuggled goods if used for any other purpose than that for which they are here set forth	Free	..
M-1044	All special paper and pulp-making machinery and mechanical apparatus when the same cannot be manufac- tured within this Island, both for the original installation and the further extension of the same, but not in substitution for old, subject to the rules and regulations to be made by the Commissioner for Finance	Free	..
M-1063	Printing paper when imported by <i>bona fide</i> printers, for the purpose of being printed upon; and bookbind- ers' cloth, leather, marble paper and paper board, when imported by book-binders and printers for use in book-binding	..	10% <i>ad val.</i>

SCHEDULE III.

NOTE.—Articles the growth, produce or manufacture of the United States of America specified in this Schedule shall not, on their importation into the territory in respect of which they are specified, from whatever place arriving, be subject to duties or charges of any kind which exceed by more than the margins indicated in respect of such articles the duties or charges of any kind applicable on importation to the like articles the growth, produce or manufacture of any territory under the sovereignty of His Majesty the King or under His Majesty's suzerainty or protection, except as otherwise provided in this Schedule.

The currencies in which specific amounts are stated are those in which the customs duties of the territories concerned are specified on the day of the signature of this Agreement.

The provisions of this Schedule shall be interpreted according to the tariff laws and regulations in force in the respective territories on the day of the signature of this Agreement.

If the Government of the United States notifies the Government of the United Kingdom that the tax imposed on the importation of lumber into the United States under Section 601 (c) (6) of the Revenue Act of 1932, as amended, has been removed; then, for so long as imports into the United States of lumber and timber described in paragraph 401 of the Tariff Act of 1930 and originating in Canada are exempt from ordinary customs duties and charges in excess of 50 cents per thousand board feet, the Government of the United Kingdom undertake that, with the concurrence of the Government of Canada, lumber and timber specified in this Schedule originating in the United States of America shall not, on importation into the territories in respect of which they are specified, be subject to other or higher duties or charges than those applicable to the like articles originating in any part of the British Empire; except that the foregoing does not relate to any territory in Africa.

NORTHERN RHODESIA.

NOTE.—The provisions of this Schedule shall not apply to any preferences accorded by Northern Rhodesia exclusively to the Union of South Africa, Southern Rhodesia and High Commission Territories in South Africa, namely, Basutoland, Bechuanaland Protectorate and Swaziland.

Article.	Maximum Margin of Preference.
Oatmeal	4½d. per hundred lbs.
Milk, condensed, full cream	6d. per hundred lbs.
Vegetables, preserved	5 per cent. <i>ad val.</i>
Electrical machinery and materials, n.e.e. [Tariff Item No. 119 (a)]	10 per cent. <i>ad val.</i>
Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>

Article.	Maximum Margin of Preference.
Motor cars, motor charabancs and omnibuses [Tariff Item No. 129 (a)]	10 per cent. <i>ad val.</i>
Parts and spare parts and accessories for motor cars, motor charabancs and omnibuses (except electric lamp bulbs, tyres and tubes, when separately imported) [Tariff Item No. 129 (b)]	10 per cent. <i>ad val.</i>
Spare parts and accessories for motor trucks and motor vans for the conveyance of goods and trailers for the same (except electric lamp bulbs, tyres and tubes when imported separately) [Tariff Item No. 130 (c)]	10 per cent. <i>ad val.</i>
Typewriters	10 per cent. <i>ad val.</i>
Office machinery (except typewriters)	5 per cent. <i>ad val.</i>
Weighing and calculating machinery	5 per cent. <i>ad val.</i>
Grease, anti-friction and lubricating	5 per cent. <i>ad val.</i>
Turpentine	5 per cent. <i>ad val.</i>
Tyres for motor cars, trucks and vans	4d. per lb.
Tubes for motor cars, trucks and vans	3d. per lb.
Meats (except bacon and ham and fresh meats)	Present margin.
Lamps and lampware [Tariff Item No. 116 (d)]	Present margin.
Agricultural machinery and implements	Present margin.
Mining machinery (including buckets and tip trucks)	Present margin.
Electric batteries	Present margin.
Chassis for motor cars, motor charabancs and omnibuses imported for bodies to be built in Northern Rhodesia [Tariff Item No. 129 (c)]	Present margin.
Motor trucks and motor vans for the conveyance of goods, and trailers for the same [Tariff Item No. 130 (a) and (b)]	Present margin.
Railway machinery, including locomotives and railway stock	Present margin.
Tools, mechanics	Present margin.
Traction engines, tractors and parts	Present margin.
Wireless telegraphy and telephony instruments and apparatus used in the working thereof, except batteries	Present margin.
Radio apparatus and accessories (except batteries):	
When imported by persons licensed by the Postmaster-General to conduct a public radio service	Present margin.
Other	Present margin.
Bricks:	
Fire	Present margin.
Other	Present margin.
Earths and clays	Present margin.
Rosins, gums and shellac	Present margin.
Soap, soap powder and extracts	Present margin.
Varnish	Present margin.
Perfumery and toilet preparations (non-spirituous)	Present margin.
Potassium compounds	Present margin.
Rubber hose	Present margin.
Wood, unmanufactured	Present margin.
Stationery, n.e.e.:	
Loose leaf covers and binders [Tariff Item No. 297 (a)]	Present margin.
Other [Tariff Item No. 297 (b) and (c)]	Present margin.
Gramophones, phonographs and records therefor	Present margin.
Films, cinematograph	Present margin.
Photographic apparatus and materials, n.e.e. (except process cameras imported by lithographers) [Tariff Item No. 324]	Present margin.
Wheat flour	Nil.
Lard, animal, and edible meat fats	Nil.
Surgical and dental instruments	Nil.
Oil, lubricating	Nil.
Books, newspapers and printed matter	Nil.
SOMALILAND PROTECTORATE.	
Motor cars, trucks and omnibuses	5 per cent. <i>ad val.</i>
Parts and accessories for motor cars, trucks, and omnibuses (except tyres and tubes)	5 per cent. <i>ad val.</i>
Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>

Article.	Maximum Margin of Preference.
GAMBIA (Colony and Protectorate).	
Motor cars [Tariff Item No. 19 (1)]	15 per cent. <i>ad val.</i>
Motor car parts and accessories [Tariff Item No. 19 (2)]	15 per cent. <i>ad val.</i>
Fish, canned or preserved	2s. 0d. per hundred lbs.
Grease	1s. 0d. per hundred lbs.
Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Timber :	
Undressed	2s. 6d. per thousand sup. feet.
Dressed	2s. 6d. per thousand sup. feet.
Wireless instruments and apparatus	Present margin.
Machinery : Other industrial and manufacturing [Tariff Item No. 53 (5)]	Present margin.
Tobacco, unmanufactured	Present margin.
Wheat flour	Nil.
Oil, lubricating	Nil.

GOLD COAST (Colony and Protectorate).

Cinematograph films	Nil.
Electric household appliances and apparatus	Nil.
Refrigerators, including mechanical refrigerators and refrigerating machinery	Nil.
Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	Nil.
Fish, canned or preserved	Nil.
Flour and meal (except wheat flour)	Nil.
Fruit, canned and bottled	Nil.
Jams, jellies and preserved fruits	Nil.
Grease	Nil.
Lard, animal	Nil.
Leather, dressed	Nil.
Meats, smoked or cured	Nil.
Oil, lubricating	Nil.
Pickles, sauces and condiments	Nil.
Tobacco, unmanufactured	Nil.
Tobacco, manufactured :	
Cigarettes	Nil.
Other kinds (except cigars and snuff)	Nil.
Tyres and tubes for motor cars, trucks and omnibuses	Nil.
Vegetables, dried, canned or preserved	Nil.
Wood and timber, unmanufactured	Nil.
Zinc manufactures	Nil.
Casks, shooks, staves and headings	Nil.
Wheat flour	Nil.
Fruit, fresh	Nil.
Machinery :	
Mining and dredging	Nil.
Typewriters	Nil.
Motor cars, trucks and omnibuses	Nil.
Parts and accessories for motor cars, trucks and omnibuses	Nil.
Carriages (except motor cars and railway rolling stock) and parts thereof	Nil.

NIGERIA (Colony and Protectorate).

Guns, unrifled	Nil.
Films, cinema	Nil.
Machinery :	
Electrical	Nil.
Mining	Nil.
Adding and calculating	Nil.

Article.	Maximum Margin of Preference.
Musical instruments :	
Pianos and organs	Nil.
Oil, lubricating	Nil.
Turpentine	Nil.
Wheat flour	Nil.
Cornmeal	Nil.
Grain (except rice)	Nil.
Jams, jellies and fruit, canned or bottled	Nil.
Vegetables (except fresh)	Nil.
Lard, animal	Nil.
Spirits (potable) other than brandy, gin, liqueurs, rum and whisky	Nil.
Timber	Nil.
Tobacco :	
Unmanufactured	Nil.
Manufactured (except cigars and cigarettes)	Nil.
Books, printed	Nil.
Casks, shooks, staves and headings	Nil.
Electrical household appliances and apparatus	Nil.
Refrigerators, including mechanical refrigerators and refrigerating machinery	Nil.
Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	Nil.
Grease	Nil.
Typewriters	Nil.
Motor cars, trucks and omnibuses	Nil.
Parts and accessories, including tyres and tubes, for motor cars, trucks and omnibuses	Nil.

SIERRA LEONE (Colony and Protectorate).

Motor vehicles (except motor cycles), including accessories, tools and implements (but not spare parts) imported with such vehicles and included in the purchase price of same [ex Tariff Item No. 33 (a)]	15 per cent. <i>ad val.</i>
Trailers to be used in connection with a motor vehicle (except a motor cycle) [ex Tariff Item No. 33 (b)]	15 per cent. <i>ad val.</i>
Parts and accessories for vehicles (except motor cycles) shown under Tariff Item No. 33	15 per cent. <i>ad val.</i>
Electrical and telegraphic apparatus	10 per cent. <i>ad val.</i>
Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Fish, canned or preserved	3s. 1½d. per hundred lbs.
Fruit, canned and bottled	3s. 1½d. per hundred lbs.
Typewriters	12s. 6d. each
Milk, condensed	2s. 0d. per thirty-six lbs.
Oil, lubricating	3d. per Imperial gallon.
Turpentine	4½d. per Imperial gallon.
Tobacco, unmanufactured	3d. per lb.
Lumber, sawn or hewn, wholly or partly dressed	5s. 0d. per thousand sup. feet.
Carriages and parts thereof (except motor vehicles and trailers)	Present margin.
Grease	Present margin.
Mining and gold-dredging machinery	Present margin.
Pianos and organs	Present margin.
Tyres and tubes for motor cars, trucks and omnibuses	Present margin.
Wheat flour	Nil.
Fruit, fresh	Nil.
Instruments, scientific	Nil.
Lard, animal	Nil.

Article.

Maximum Margin
of Preference.

CEYLON.

Refrigerators	5 per cent. <i>ad val.</i>
Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Fruit, dried or otherwise preserved without sugar (except canned fruit and currants, dates and raisins)	5 per cent. <i>ad val.</i>
Tanks and drums of iron and steel, black painted or galvanised	5 per cent. <i>ad val.</i>
Petroleum (refined): lubricating oil	10 c. per gallon.
Typewriters and parts thereof	5 per cent. <i>ad val.</i>
Wireless goods and apparatus	5 per cent. <i>ad val.</i>
Cereal foods (prepared)	Present margin.
Cinematograph films (sound and silent)	Present margin.
Electrical machinery:	
Motors	Present margin.
Transformers and converters	Present margin.
Electrical goods and apparatus:	
Lighting accessories	Present margin.
Washing machines	Present margin.
Other electrical goods and apparatus (except wires and cables, lamp bulbs, telegraph and telephone apparatus, other than wireless, and batteries and accumulators)	Present margin.
Raisins	Present margin.
Fruit, fresh:	
Apples and grapes	Present margin.
Other	Present margin.
Machinery:	
Cranes, hoists and lifting	Present margin.
Pumping	Present margin.
Motor cars (including engines and chassis)	Present margin.
Motor lorries, vans, omnibuses and tractors, other than diesel engined (including engines and chassis)	Present margin.
Parts for motor cars, motor lorries, vans, omnibuses and tractors other than diesel engined (except magnetos, splash-proof accumulators and tyres and tubes)	Present margin.
Paints and colours	Present margin.
Perfumery, cosmetics, powder and toilet preparations (except perfumed spirits)	Present margin.
Pig products, other than bacon and hams	Present margin.
Games and athletic materials (except rubber balls)	Present margin.
Advertising matter, viz., Trade circulars and catalogues, show cards, plates and frames	Nil.
Maps and charts	Nil.
Milk foods	Nil.
Oil and floor cloth	Nil.

HONG KONG.

Motor cars, trucks and omnibuses Nil.

NOTE.—The first registration fee chargeable on motor cars, trucks and omnibuses the manufacture of the United States of America shall not exceed by more than 15 per cent. *ad valorem* the first registration fee chargeable on motor cars, trucks and omnibuses of British Empire manufacture. The right is reserved to substitute an import duty for this fee but such duty shall not exceed by more than 15 per cent. *ad valorem* the duty chargeable on motor cars, trucks and omnibuses of British Empire manufacture.

Article.

Maximum Margin
of Preference.

STRAITS SETTLEMENTS.

Motor cars, trucks and omnibuses Nil.

NOTE.—The first registration fee chargeable on motor cars, trucks and omnibuses the manufacture of the United States of America shall not exceed by more than 15 per cent. *ad valorem* the first registration fee chargeable on motor cars, trucks and omnibuses of British Empire manufacture. The right is reserved to substitute an import duty for this fee but such duty shall not exceed by more than 15 per cent. *ad valorem* the duty chargeable on motor cars, trucks and omnibuses of British Empire manufacture.

FEDERATED MALAY STATES.

Hosiery of pure silk 5 per cent. *ad val.*
Leather, dressed 5 per cent. *ad val.*

Wireless receiving sets, radio-gramophones, valves and other wireless parts and accessories (except transmitting apparatus). 5 per cent. *ad val.*
Electric batteries for torches and hand lamps 10 per cent. *ad val.*

Fish, canned :
Salmon, red, sock-eye or blue back and silver 7½ per cent. *ad val.*

Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air 5 per cent. *ad val.*
Motor cars, trucks and omnibuses Nil.

NOTE.—The first registration fee chargeable on motor cars, trucks and omnibuses the manufacture of the United States of America shall not exceed by more than 15 per cent. *ad valorem* the first registration fee chargeable on motor cars, trucks and omnibuses of British Empire manufacture. The right is reserved to substitute an import duty for this fee but such duty shall not exceed by more than 15 per cent. *ad valorem* the duty chargeable on motor cars, trucks and omnibuses of British Empire manufacture.

Tobacco, manufactured (excluding cigars, cigarettes and snuff), if imported for sale to the public in airtight tins or containers. Present margin.

Milk, evaporated Present margin.

Electric batteries and accumulators (except for torches and hand lamps) Present margin.

Advertising matter Nil.

Asphalt and bitumen Nil.

Blacking and polishes (except for leather) Nil.

Cereals, manufactured (except wheat flour and vermicelli) Nil.

Cinematograph apparatus and films Nil.

Dental paste Nil.

Disinfectants, weedkillers and other insecticides, liquid Nil.

Felt, roofing Nil.

Fruit, fresh :

Pears, apples, grapefruit, grapes and oranges Nil.

Fruit, dried and preserved :

Raisins, prunes and apples Nil.

Fruit juice Nil.

Grease, lubricating Nil.

Implements and tools :

Axes, hatchets and adzes Nil.

Files and rasps Nil.

Machinery :

Dredges and dredging materials Nil.

Internal combustion engines (marine), the motive power of which is derived from petrol, kerosene or other spirits Nil.

Printing and bookbinding Nil.

Pumps Nil.

Typewriters Nil.

Maps and plans Nil.

Oilcloth and linoleum Nil.

Article.	Maximum Margin of Preference.
Paints and enamels (prepared, ready mixed)	Nil.
Stoves and grates for domestic purposes	Nil.
Tin plates	Nil.
Tractors and steam-rollers when used for agricultural and mining purposes and not registerable for use on public thoroughfares .	Nil.

JOHORE.

Fish, canned :	
Salmon, red, sock-eye or blue back and silver	7½ per cent. <i>ad val.</i>
Leather, dressed	5 per cent. <i>ad val.</i>
Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air .	5 per cent. <i>ad val.</i>
Motor cars, trucks and omnibuses	Nil.

NOTE.—The first registration fee chargeable on motor cars, trucks and omnibuses the manufacture of the United States of America shall not exceed by more than 15 per cent. *ad valorem* the first registration fee chargeable on motor cars, trucks and omnibuses of British Empire manufacture. The right is reserved to substitute an import duty for this fee but such duty shall not exceed by more than 15 per cent. *ad valorem* the duty chargeable on motor cars, trucks and omnibuses of British Empire manufacture.

Tobacco, manufactured (excluding cigars, cigarettes and snuff), if imported for sale to the public in airtight tins or containers.	Present margin.
Milk, evaporated	Present margin.

Advertising matter	Nil.
Asphalt and bitumen	Nil.
Blacking and polishes (except for leather)	Nil.
Cereals, manufactured (except for wheat flour and vermicelli) .	Nil.
Cinematograph apparatus and films	Nil.
Dental paste	Nil.
Disinfectants, weedkillers and other insecticides, liquid . .	Nil.
Electric batteries and accumulators	Nil.
Felt, roofing	Nil.
Fruit, fresh :	
Pears, apples, grapefruit, grapes and oranges	Nil.
Fruit, dried and preserved :	
Raisins, prunes and apples	Nil.
Fruit juice	Nil.
Grease, lubricating	Nil.
Hosiery of pure silk	Nil.
Implements and tools :	
Axes, hatches and adzes	Nil.
Files and rasps	Nil.

Machinery :	
Dredges and dredging materials	Nil.
Internal combustion engines (marine), the motive power of which is derived from petrol, kerosene or other spirits .	Nil.
Printing and bookbinding	Nil.
Pumps	Nil.
Typewriters	Nil.
Maps and plans	Nil.
Oilcloth and linoleum	Nil.
Paints and enamels (prepared, ready mixed)	Nil.
Stoves and grates for domestic purposes	Nil.
Tin plates	Nil.
Tractors and steam-rollers when used for agricultural and mining purposes and not registerable for use on public thoroughfares .	Nil.
Wireless receiving sets, radio-gramophones, valves and other wireless parts and accessories (except transmitting apparatus).	Nil.

Article.

Maximum Margin
of Preference.

KEDAH.

Leather, dressed	5 per cent. <i>ad val.</i>
Hosiery of pure silk	5 per cent. <i>ad val.</i>
Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Motor cars, trucks and omnibuses	Nil.

NOTE.—The first registration fee chargeable on motor cars, trucks and omnibuses the manufacture of the United States of America shall not exceed by more than 15 per cent. *ad valorem* the first registration fee chargeable on motor cars, trucks and omnibuses of British Empire manufacture. The right is reserved to substitute an import duty for this fee but such duty shall not exceed by more than 15 per cent. *ad valorem* the duty chargeable on motor cars, trucks and omnibuses of British Empire manufacture.

Tobacco, manufactured (excluding cigars, cigarettes and snuff), if imported for sale to the public in airtight tins or containers.	Present margin.
Milk, evaporated	Present margin.
Advertising matter	Nil.
Asphalt and bitumen	Nil.
Blacking and polishes (except for leather)	Nil.
Cereals, manufactured (except wheat flour and vermicelli)	Nil.
Cinematograph apparatus and films	Nil.
Dental paste	Nil.
Disinfectants, weedkillers and other insecticides, liquid	Nil.
Electric batteries and accumulators	Nil.
Felt, roofing	Nil.
Fish, canned : Salmon, red, sock-eye or blue back and silver	Nil.
Fruit, fresh : Pears, apples, grapefruit, grapes and oranges	Nil.
Fruit, dried and preserved : Raisins, prunes and apples	Nil.
Fruit juice	Nil.
Grease, lubricating	Nil.
Implements and tools : Axes, hatchets and adzes	Nil.
Files and rasps	Nil.
Machinery : Dredges and dredging materials	Nil.
Internal combustion engines (marine), the motive power of which is derived from petrol, kerosene or other spirits	Nil.
Printing and bookbinding	Nil.
Pumps	Nil.
Typewriters	Nil.
Maps and plans	Nil.
Oilcloth and linoleum	Nil.
Paints and enamels (prepared, ready mixed)	Nil.
Stoves and grates for domestic purposes	Nil.
Tin plates	Nil.
Tractors and steam-rollers when used for agricultural and mining purposes and not registerable for use on public thoroughfares	Nil.
Wireless receiving sets, radio-gramophones, valves and other wireless parts and accessories (except transmitting apparatus)	Nil.

KELANTAN.

Electric batteries for torches and hand lamps	10 per cent. <i>ad val.</i>
Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Fish canned : Salmon, red, sock-eye or blue back and silver	7½ per cent. <i>ad val.</i>
Motor cars, trucks and omnibuses	15 per cent. <i>ad val.</i>

Article.	Maximum Margin of Preference.
Wireless receiving sets, radio-gramophones, valves and other wireless parts and accessories (except transmitting apparatus)	5 per cent. <i>ad val.</i>
Leather, dressed	5 per cent. <i>ad val.</i>
Hosiery of pure silk	5 per cent. <i>ad val.</i>
Tobacco, manufactured (excluding cigars, cigarettes and snuff), if imported for sale to the public in airtight tins or containers	Present margin.
Electric batteries and accumulators (except for torches and hand lamps)	Present margin.
Milk, evaporated	Present margin.
Advertising matter	Nil.
Asphalt and bitumen	Nil.
Blacking and polishes (except for leather)	Nil.
Cereals, manufactured (except wheat flour and vermicelli)	Nil.
Cinematograph apparatus	Nil.
Dental paste	Nil.
Disinfectants, weedkillers and other insecticides, liquid	Nil.
Felt, roofing	Nil.
Films, cinematograph	Nil.
Fruit, fresh :	
Pears, apples, grapefruit, grapes and oranges	Nil.
Fruit, dried and preserved :	
Raisins, prunes and apples	Nil.
Fruit juice	Nil.
Grease, lubricating	Nil.
Implement and tools :	
Axes, hatchets and adzes	Nil.
Files and rasps	Nil.
Machinery :	
Dredges and dredging materials	Nil.
Internal combustion engines (marine), the motive power of which is derived from petrol, kerosene or other spirits	Nil.
Printing and bookbinding	Nil.
Pumps	Nil.
Typewriters	Nil.
Maps and plans	Nil.
Oilcloth and linoleum	Nil.
Paints and enamels (prepared, ready mixed)	Nil.
Stoves and grates for domestic purposes	Nil.
Tin plates	Nil.
Tractors and steam-rollers when used for agricultural and mining purposes and not registerable for use on public thoroughfares	Nil.

PERLIS.

Fish, canned :

Salmon, red, sock-eye or blue back and silver	7½ per cent. <i>ad val.</i>
Hosiery of pure silk	5 per cent. <i>ad val.</i>
Leather, dressed	5 per cent. <i>ad val.</i>
Motor cars, trucks and omnibuses	Nil.

NOTE.—The first registration fee chargeable on motor cars, trucks and omnibuses the manufacture of the United States of America shall not exceed by more than 15 per cent. *ad valorem* the first registration fee chargeable on motor cars, trucks and omnibuses of British Empire manufacture. The right is reserved to substitute an import duty for this fee but such duty shall not exceed by more than 15 per cent. *ad valorem* the duty chargeable on motor cars, trucks and omnibuses of British Empire manufacture.

Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
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Article.	Maximum Margin of Preference.
Tobacco, manufactured (excluding cigars, cigarettes and snuff), if imported for sale to the public in airtight tins or con- tainers	Present margin.
Milk, evaporated	Present margin.
Advertising matter	Nil.
Asphalt and bitumen	Nil.
Blacking and polishes (except for leather)	Nil.
Cereals, manufactured (except wheat flour and vermicelli)	Nil.
Cinematograph apparatus and films	Nil.
Dental paste	Nil.
Disinfectants, weedkillers and other insecticides, liquid	Nil.
Electric batteries and accumulators	Nil.
Felt, roofing	Nil.
Fruit, fresh :	
Pears, apples, grapefruit, grapes and oranges	Nil.
Fruit, dried and preserved :	
Raisins, prunes and apples	Nil.
Fruit juice	Nil.
Grease, lubricating	Nil.
Implements and tools :	
Axes, hatchets and adzes	Nil.
Files and rasps	Nil.
Machinery :	
Dredges and dredging materials	Nil.
Internal combustion engines (marine), the motive power of which is derived from petrol, kerosene or other spirits	Nil.
Printing and bookbinding	Nil.
Pumps	Nil.
Typewriters	Nil.
Maps and plans	Nil.
Oilcloth and linoleum	Nil.
Paints and enamels (prepared, ready mixed)	Nil.
Stoves and grates for domestic purposes	Nil.
Tin plates	Nil.
Tractors and steam-rollers when used for agricultural and mining purposes and not registerable for use on public thorough- fares	Nil.
Wireless receiving sets, radio-gramophones, valves and other wireless parts and accessories (except transmitting apparatus)	Nil.

TRENGGANU.

Electric batteries for torches and hand lamps	10 per cent. <i>ad val.</i>
Fish, canned :	
Salmon, red, sock-eye or blue back and silver	7½ per cent. <i>ad val.</i>
Hosiery of pure silk	5 per cent. <i>ad val.</i>
Leather, dressed	5 per cent. <i>ad val.</i>
Motor cars, trucks and omnibuses	15 per cent. <i>ad val.</i>
Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Tobacco, manufactured (excluding cigars, cigarettes and snuff), if imported for sale to the public in airtight tins or containers	Present margin.
Electric batteries and accumulators (except for torches and hand lamps)	Present margin.
Machinery :	
Dredges and dredging materials	Present margin.
Pumps	Present margin.
Milk, evaporated	Present margin.
Advertising matter	Nil.
Asphalt and bitumen	Nil.
Blacking and polishes (except for leather)	Nil.
Cereals, manufactured (except wheat flour and vermicelli)	Nil.

Article.	Maximum Margin of Preference.
Cinematograph apparatus and films	Nil.
Dental paste	Nil.
Disinfectants, weedkillers and other insecticides, liquid	Nil.
Enamels	Nil.
Felt, roofing	Nil.
Fruit, fresh :	
Pears, apples, grapefruit, grapes and oranges	Nil.
Fruit, dried and preserved :	
Raisins, prunes and apples	Nil.
Fruit juice	Nil.
Grease, lubricating	Nil.
Implements and tools :	
Axes, hatchets and adzes	Nil.
Files and rasps	Nil.
Machinery :	
Internal combustion engines (marine), the motive power of which is derived from petrol, kerosene or other spirits	Nil.
Printing and bookbinding	Nil.
Typewriters	Nil.
Maps and plans	Nil.
Oilcloth and linoleum	Nil.
Paints (prepared, ready mixed)	Nil.
Stoves and grates for domestic purposes	Nil.
Tin plates	Nil.
Tractors and steam-rollers, when used for agricultural and mining purposes and not registerable for use on public thoroughfares	Nil.
Wireless receiving sets, radio-gramophones, valves and other wireless parts and accessories (except transmitting apparatus)	Nil.

MAURITIUS.

Asphaltum or bitumen for road making	Rs. 1 per hundred kilos.
Bacon and hams (except canned)	Rs. 5 per hundred kilos.
Fruit :	
Preserved (not in sugar)	15 cents per kilo.
Dried (except dates, raisins and currants)	7½ per cent. <i>ad val.</i>
Accessories and component parts, other than tyres and tubes for motor vehicles and chassis (except tractors, motor cycles and side-cars)	20 per cent. <i>ad val.</i>
Rubber manufactures (except tyres and tubes, boots and shoes and toys)	7½ per cent. <i>ad val.</i>
Typewriters	5 per cent. <i>ad val.</i>
Varnish	Rs. 1.50 per hecto-litre.
Electrical goods :	
Wireless apparatus and parts thereof	Present margin.
Stoves and household appliances	Present margin.
Electrical goods of every other description (except bulbs) [Tariff Item No. 61 (r)]	Present margin.
Oil, lubricating	Present margin.
Grease, lubricating	Present margin.
Amphos	Present margin.
Substances imported by agriculturists or other persons for the destruction of animals, vermin, insects and other parasites	Present margin.
Blacking and polishes	Nil.
Clay, pipe and fire (unprepared)	Nil.
Fruit, fresh :	
Apples and pears	Nil.
Motor tractors and parts (imported exclusively for agricultural purposes)	Nil.
Rosin	Nil.
Tobacco, unmanufactured, not buttet or stemmed	Nil.

Article.	Maximum Margin of Preference.
Fruit, canned	3 per cent. <i>ad val.</i>
Motor cars and parts thereof (except tyres and tubes) [ex Tariff Item No. 71]	15 per cent. <i>ad val.</i>
Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Oil, lubricating, unmanufactured	2s. 0d. per hundred okes.
Oils, non-edible, other than cotton and linseed	2s. 0d. per hundred okes.
Tyres and tubes for motor cars	Present margin.
Wireless apparatus and parts thereof	Present margin.
Agricultural machinery, except ploughs	Nil.
Typewriters and parts thereof	Nil.
Windmills	Nil.

MALTA.

Fruit, preserved	5 per cent. <i>ad val.</i>
Chassis of automobiles imported without bodies for industrial purposes (exclusive of parts)	15 per cent. <i>ad val.</i>
Motor vehicles valued at over £100 each (except motor tractors, motor cycles and side-cars and motor vehicles for tramways or railways), including parts and accessories (except tyres and tubes)	15 per cent. <i>ad val.</i>
Wireless sets, accessories and parts thereof	5 per cent. <i>ad val.</i>
Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Tobacco, unmanufactured	Present margin.
Typewriters and adding machines	Present margin.
Machinery and implements for agricultural purposes	Nil.

BAHAMAS.

NOTE.—In the case of articles marked with an asterisk, the present margins of preference shall be understood to mean the present relationships between the duties or charges applicable on importation to such articles the growth, produce or manufacture of the United States of America and the duties or charges applicable on importation to the like articles the growth, produce or manufacture of any British Empire country.

Article.	Maximum Margin of Preference.
Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Fruit :	
Fresh (except apples and fruits charged with duties under the Second Schedule of the Tariff Act, 1936)	6½ per cent. <i>ad val.</i>
Dried	6½ per cent. <i>ad val.</i>
Jams, jellies and preserved fruits	6½ per cent. <i>ad val.</i>
Grease, lubricating	6½ per cent. <i>ad val.</i>
Motor cars, trucks and omnibuses	15 per cent. <i>ad val.</i>
Parts and accessories for motor cars, trucks and omnibuses (except tyres and tubes)	15 per cent. <i>ad val.</i>
Oil, lubricating	4d. per gallon.
Paints	6½ per cent. <i>ad val.</i>
Shingles	2d. per thousand linear inches.
Soap, common, washing	½d. per lb.
Stationery	6½ per cent. <i>ad val.</i>

Article.	Maximum Margin of Preference.
Tobacco, manufactured :	
Fine-cut	16½ per cent. <i>ad val.</i>
Other than fine-cut	3d. per lb.
Toilet preparations, including toilet soaps	6½ per cent. <i>ad val.</i>
Vegetables, canned	6½ per cent. <i>ad val.</i>
Whisky :	
Overproof in bulk	4s. 0d. per proof gall.
Underproof in bottles	8s. 0d. per dozen re- puted quarts.
Aerated mineral waters	Present margin.
Ammunition, all kinds	Present margin.
Bacon and hams	Present margin.
Bags, trunks and valises	Present margin.
Beef and pork, pickled and salted	Present margin.
Biscuits	Present margin.
Boot and shoes, leather	Present margin.
Chinaware, earthenware and pottery	Present margin.
Coffee, roasted or prepared, but not concentrated	Present margin.
Dynamite	Present margin.
Electrical apparatus	Present margin.
Enamelware	Present margin.
Films, cinematograph (except educational)	Present margin.
Fish, canned	Present margin.
Furniture	Present margin.
Glass and glassware	Present margin.
Grains :	
Chicken and dairy feed	Present margin.
Haberdashery and millinery	Present margin.
Hardware	Present margin.
Hats and caps	Present margin.
Hay	Present margin.
Lard, animal	Present margin.
Matches	Present margin.
Milk, unsweetened	Present margin.
Musical instruments	Present margin.
Nails, other than iron	Present margin.
Oilcloth and linoleum	Present margin.
Paper	Present margin.
Starch	Present margin.
Syrup and molasses	Present margin.
Tinware	Present margin.
Toys and games	Present margin.
Twine	Present margin.
Hominy *	Present margin.
Cornmeal *	Present margin.
Eggs *	Present margin.
Meat, fresh *	Present margin.
Poultry and game, dressed *	Present margin.
Vegetables, fresh (other than potatoes)*	Present margin.
Vegetables, fresh, potatoes *	Present margin.
Fresh fruit :	
Oranges, lemons and grapefruit *	Present margin.
Tyres and tubes for motor cars, trucks and omnibuses	Present margin.
Books, printed	Nil.
Cigars	Nil.
Cigarettes	Nil.

NOTE.—The maximum margin of preference set forth above relates to the margin between the duties and other charges applicable on importation to cigarettes the produce or manufacture of the United States of America and the duties and other charges applicable on importation to cigarettes the produce or manufacture of any territory of the British Empire other than cigarettes made entirely of tobacco grown within the British Empire.

Article.	Maximum Margin of Preference.
Fertilisers	Nil.
Insecticides	Nil.
Packages, empty, for the exportation of native produce	Nil.
Plants, roots seeds and bulbs	Nil.
Tobacco, unmanufactured	Nil.
Wire fencing	Nil.

BARBADOS.

Electrical apparatus and appliances	10 per cent. <i>ad val.</i>
Motor cars, trucks and omnibuses	15 per cent. <i>ad val.</i>
Parts and accessories for motor cars, trucks and omnibuses (except tyres and tubes)	15 per cent. <i>ad val.</i>
Tobacco, manufactured :	
Plug, stick, or twist	6 <i>d.</i> per lb.
Cigarettes	2 <i>s.</i> 0 <i>d.</i> per lb.
Snuff	3 <i>d.</i> per lb.
Other kinds (except cigars and cheroots)	1 <i>s.</i> 3 <i>d.</i> per lb.
Wood and timber, unmanufactured :	
Pitch pine :	
Undressed	8 <i>s.</i> per thousand sup. feet of 1 inch or less in thickness (and exceeding 1 inch <i>pro rata</i>).
Wholly or partly dressed	8 <i>s.</i> per thousand sup. feet of 1 inch or less in thickness (and exceeding 1 inch <i>pro rata</i>).
Other kinds (except green heart, purple heart, bullet wood, fustie and locust) :	
Undressed	8 <i>s.</i> per thousand sup. feet of 1 inch or less in thickness (and exceeding 1 inch <i>pro rata</i>).
Wholly or partly dressed	8 <i>s.</i> per thousand sup. feet of 1 inch or less in thickness (and exceeding 1 inch <i>pro rata</i>).
Mules	Present margin.
Blacking and polishes	Present margin.
Tyres and tubes for motor cars, trucks and omnibuses	Present margin.
Oilmeal and oilcake	Present margin.
Fruit :	
Dried, including currants, figs, prunes and raisins, other than candied or crystallised fruit and fruit in liquid	Present margin.
Canned and bottled	Present margin.
Glass bottles	Present margin.
Maize or cornmeal	Present margin.
Grease	Present margin.
Hardware	Present margin.
Implements and tools (except agricultural)	Present margin.
Lard, animal	Present margin.
Pork, pickled	Present margin.
Oil, lubricating	Present margin.
Perfumery, cosmetics and toilet requisites (except perfumed spirits and soaps)	Present margin.
Photographic appliances and accessories (except films)	Present margin.
Turpentine	Present margin.
Type writers and parts thereof	Present margin.
Vegetables, canned	Present margin.

Article.	Maximum Margin of Preference.
Wood and timber, unmanufactured :	
Shooks and staves	Present margin.
Headings	Present margin.
Wood and timber, manufactured :	
House, office and store furniture	Present margin.
Books, printed	Nil.
Tobacco, unmanufactured :	
Leaf, unstemmed	Nil.

BERMUDA.

Wheat flour	5 per cent. <i>ad val.</i>
Eggs	1½d. per dozen.
Fruit, dried	1½ per cent. <i>ad val.</i>
Fish, canned	1½ per cent. <i>ad val.</i>
Meats :	
Beef and veal, pickled or salted	1½ per cent. <i>ad val.</i>
Pork, pickled or salted	1½ per cent. <i>ad val.</i>
Lard, animal	1½ per cent. <i>ad val.</i>
Electrical supplies	10 per cent. <i>ad val.</i>
Radios and accessories	10 per cent. <i>ad val.</i>
Hardware	7½ per cent. <i>ad val.</i>
Lumber	1½ per cent. <i>ad val.</i>
Oil, lubricating	1½ per cent. <i>ad val.</i>
Horses and mules	Present margin.
Cattle feed	Present margin.
Vegetables :	
Fresh (except potatoes and onions)	Present margin.
Canned	Present margin.
Dried peas and beans	Present margin.
Cream, fresh	Present margin.
Ice cream	Present margin.
Fruit, bottled or canned	Present margin.
Jams and jellies	Present margin.
Fruit, fresh :	
Citrus	Present margin.
Water melons	Present margin.
Lime juice and other juices	Present margin.
Fish, shell	Present margin.
Meats :	
Bacon and hams	Present margin.
Canned or bottled	Present margin.
Poultry and game	Present margin.
Mineral waters	Present margin.
Cigarettes	Present margin.

NOTE.—The maximum margin of preference set forth above relates to the margin between the duties and other charges applicable on importation to cigarettes the produce or manufacture of the United States of America and the duties and other charges applicable on importation to cigarettes the produce or manufacture of any territory of the British Empire other than cigarettes made entirely of tobacco grown within the British Empire.

Manufactured tobacco other than cigars, cigarettes and snuff Present margin.

NOTE.—The maximum margin of preference set forth above relates to the margin between the duties and other charges applicable on importation to manufactured tobacco the produce or manufacture of the United States of America and the duties and other charges applicable on importation to manufactured tobacco the produce or manufacture of any territory of the British Empire other than manufactured tobacco made entirely of tobacco grown within the British Empire.

Tobacco, unmanufactured Present margin.

Article.	Maximum Margin of Preference.
Biscuits	Present margin.
Coffee	Present margin.
Confectionery	Present margin.
Groceries	Present margin.
Yeast	Present margin.
Boots and shoes of leather	Present margin.
Chinaware	Present margin.
Cooking stoves	Present margin.
Cosmetics	Present margin.
Cotton :	
Piece goods	Present margin.
Other cotton goods (including clothing other than hosiery)	Present margin.
Cotton, and silk clothing (excluding hosiery)	Present margin.
Engines and parts thereof	Present margin.
Furniture	Present margin.
Glass	Present margin.
Glassware	Present margin.
Hats and caps	Present margin.
Kitchenware	Present margin.
Linen :	
Clothing	Present margin.
Other linen goods	Present margin.
Millwork	Present margin.
Musical instruments	Present margin.
Paints and varnishes	Present margin.
Paint oil	Present margin.
Paper, wrapping	Present margin.
Photographic supplies	Present margin.
Rayon clothing (excluding hosiery)	Present margin.
Sanitary supplies	Present margin.
Silk clothing (excluding hosiery)	Present margin.
Hosiery of silk	Present margin.
Soap flakes and other cleansing materials	Present margin.
Soap, laundry	Present margin.
Stationery	Present margin.
Typewriters and adding machines	Present margin.
Woollen clothing	Present margin.
Yachts, motor or sail (not for commercial use)	Present margin.
Books (except those for accounting purposes)	Nil.

BRITISH GUIANA.

Fish (except Morocut), smoked, dried, salted or fresh, when imported in cold storage	\$1 per cwt.
Fruit, fresh :	
Apples	60 c. per barrel of 160 lb.
Lard, animal	\$1.50 per hundred lb.
Self-contained air-conditioning machines comprising elements for cooling control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Machinery :	
Agricultural	5 per cent. <i>ad val.</i>
Mining	5 per cent. <i>ad val.</i>
Lumber :	
Undressed	\$2.00 per thousand ft. board measure.
Dressed	\$2.00 per thousand ft. board measure.
Electrical goods and apparatus (except electro-medical apparatus and insulated wires and cables)	Present margin.
Explosives :	
Dynamite, and all other explosives for blasting purposes	Present margin.
Gunpowder, rack-a-rock and fuses, for blasting purposes	Present margin.
Oilcake and oilmeal	Present margin.
Fish, canned	Present margin.

Article.	Maximum Margin of Preference.
Fruit :	
Dried (except currants)	Present margin.
Canned or preserved (except pineapples)	Present margin.
Farinaceous preparations (except flour, cornmeal and oatmeal)	Present margin.
Oil, lubricating	Present margin.
Greases and fats	Present margin.
Pitch	Present margin.
House, office cabinet or store furniture of iron and steel	Present margin.
Implements and tools and parts thereof :	
Agricultural	Present margin.
Other kinds	Present margin.
Machinery :	
Electrical	Present margin.
Marine	Present margin.
Office	Present margin.
Printing	Present margin.
Rice	Present margin.
Sugar	Present margin.
Other kinds (except agricultural, mining, sewing machines and parts and water and sewerage machinery)	Present margin.
Accessories and appliances	Present margin.
Motor cars, trucks and omnibuses	Present margin.
Parts and accessories for motor cars, trucks and omnibuses (except tyres and tubes)	Present margin.
Musical instruments (except pianos and organs)	Present margin.
Oilcloth	Present margin.
Photographic instruments and appliances	Present margin.
Scientific instruments and appliances (except electrical)	Present margin.
Perfumery, cosmetics and toilet requisites (except perfumed spirits and soap)	Present margin.
Polishes and blacking	Present margin.
Tar	Present margin.
Tins, drums and similar containers of iron and steel	Present margin.
Wood and timber, unmanufactured, for making containers for goods of local manufacture or production	Present margin.
Aircraft and parts thereof	Nil.
Books	Nil.
Films, cinematograph	Nil.
Fruit, fresh (except apples, limes, oranges and grapefruit)	Nil.
Tobacco, in leaf, in packages containing not less than 400 lbs.: Containing not less than 25 per cent. and not more than 38 per cent. of moisture	Nil.
Containing less than 25 per cent. of moisture	Nil.

BRITISH HONDURAS.

Motor cars and motor vehicles, n.e.i. [Tariff Item No. 26 (g)]	15 per cent. <i>ad val.</i>
NOTE.—The minimum specific rate of duty applicable to motor cars the manufacture of the United States of America shall not exceed \$60 each.	
Parts and accessories (except tyres and tubes) for vehicles in Tariff Item No. 26 (g)	15 per cent. <i>ad val.</i>
Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Fruit, dried	5 per cent. <i>ad val.</i>
Farinaceous preparations :	
Cornflour	5 per cent. <i>ad val.</i>
Other cereal foods (except arrowroot, macaroni, sago, tapioca and starch)	5 per cent. <i>ad val.</i>
Fruits, candied, crystallised, canned and bottled	10 per cent. <i>ad val.</i>
House, office cabinet or store furniture of iron or other metal	10 per cent. <i>ad val.</i>
Perfumery and toilet preparations (except perfumed spirits)	10 per cent. <i>ad val.</i>

Article.	Maximum Margin of Preference.
Vegetables :	
Canned	5 per cent. <i>ad val.</i>
Fresh (except onions, potatoes and garlic)	5 per cent. <i>ad val.</i>
Apparel, wearing (except hosiery, shirts, vests, singlets and other men's underwear)	Present margin.
Biscuits, bread and cakes	Present margin.
Blacking and polishes (except woodwork polishes)	Present margin.
Brooms and brushes (household)	Present margin.
Tyres and tubes for motor cars, trucks and omnibuses	Present margin.
Cement	Present margin.
Cocoa, prepared (except sweetmeats)	Present margin.
Coffee, ground or otherwise prepared	Present margin.
Confectionery, including flavouring syrups	Present margin.
Cordage rope and twine	Present margin.
Eggs, fresh	Present margin.
Electrical apparatus, including radio receiving sets and parts thereof	Present margin.
Films, cinematograph	Present margin.
Fruits, fresh	Present margin.
Nuts, edible	Present margin.
Cornmeal and oatmeal	Present margin.
India rubber manufactures	Present margin.
Implement and tools (except agricultural and for use on poultry farms)	Present margin.
Lard, animal	Present margin.
Lamps and lampware	Present margin.
Machinery, including accessories :	
Electric lighting	Present margin.
Marine	Present margin.
Sawmill	Present margin.
Pork, pickled	Present margin.
Metals and metal manufactures :	
Barbed wire, hog fencing and staples for same	Present margin.
Nails, spikes, rivets, clinches and wire of iron and steel	Present margin.
Musical instruments of all kinds, not being toys	Present margin.
Oil :	
Lubricating	Present margin.
Linseed, raw and boiled	Present margin.
Medicinal and essential	Present margin.
Oilcloth and linoleum	Present margin.
Painters colours and materials :	
Dry or in paste form	Present margin.
Prepared, including ready mixed	Present margin.
Turpentine	Present margin.
Paper manufactures, other kinds, n.e.i. [Tariff Item No. 81 (d)]	Present margin.
Pickles, sauces and condiments	Present margin.
Salt, coarse, fine and rock	Present margin.
Soap, common, including laundry, polishing and soft soap	Present margin.
Spices	Present margin.
Tobacco, unmanufactured :	
Black leaf and similar brands	Present margin.
Other kinds	Present margin.
Tobacco, manufactured :	
Cigarettes	Present margin.
Typewriters, adding machines and parts thereof	Present margin.
Vegetables, onions and potatoes	Present margin.
Wood and timber, manufactured :	
Furniture and cabinet ware	Present margin.
Other kinds	Present margin.
Wood and timber, unmanufactured :	
Lumber sawn or hewn :	
Undressed	Present margin.
Wholly or partly dressed	Present margin.
Books, printed, not being account books	Nil.
Agricultural implements and tools	Nil.
Agricultural machinery, including accessories	Nil.

Article.	Maximum Margin of Preference.
Metals and metal manufactures :	
Rafting chains and timber dogs	Nil.
Railway and tramway rolling stock and material and parts and accessories therefor	Nil.
Stationery other than paper :	
Slate pencils	Nil.
Printing ink	Nil.
Tractors and parts thereof	Nil.
Trailers and carts and wagons and parts and accessories for agri- cultural purposes	Nil.
Trucks and trailers and parts and accessories thereof imported for use in connection with chicle and mahogany operations	Nil.
JAMAICA.	
Corn	1s. 0d. per hundred lb.
Tobacco, manufactured :	
Cigarettes	1s. 0d. per lb.
NOTE.—The maximum margin of preference set forth above relates to the margin between the duties and other charges applicable on importation to cigarettes the produce or manufacture of the United States of America and the duties and other charges applicable on importation to ciga- rettes the produce or manufacture of any territory of the British Empire other than cigarettes manufactured within the British Empire containing 50 per cent. or more of British Empire tobacco.	
Other (except cigars)	10d. per lb.
Confectionery	5 per cent. <i>ad val.</i>
Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Electrical apparatus for generating electricity	2½ per cent. <i>ad val.</i>
Telegraph and telephone apparatus	2½ per cent. <i>ad val.</i>
Lumber, sawn or hewn :	
Undressed	8s. per thousand feet, sup. measurement, of 1 inch thick.
Wholly or partly dressed	8s. per thousand feet, sup. measurement, of 1 inch thick.
Biscuits, bread and cake :	
Sweetened	Present margin.
Unsweetened, not in bulk	Present margin.
Fish, canned	Present margin.
Fruit, fresh :	
Apples	Present margin.
Other kinds	Present margin.
Fruit, dried	Present margin.
Jams, jellies and preserved fruits	Present margin.
Wheat	Present margin.
Pulse :	
Beans and peas, whole	Present margin.
Lard, animal	Present margin.
Meats :	
Fresh	Present margin.
Pork, pickled	Present margin.
Tongues, wet, salted	Present margin.
Bacon and hams	Present margin.
Sausages, wet, salted or cured	Present margin.
Hardware :	
[Tariff Item No. 46]	Present margin.
Typewriters	Present margin.

Article.	Maximum Margin of Preference.
Hoops, shooks, staves and headings of wood (for putting up island produce)	Present margin.
Tin manufactures (except ingots)	Present margin.
Motor cars, trucks and omnibuses	Present margin.
Parts and accessories for motor cars, trucks and omnibuses (except tyres and tubes)	Present margin.
Asphalt, other than pitch	Present margin.
Baking powder	Present margin.
Brooms and brushes	Present margin.
Carriage parts (except for motor vehicles and railway rolling stock)	Present margin.
Eggs	Present margin.
Electrical apparatus (including radio receiving sets and parts thereof)	Present margin.
Fibre manufactures	Present margin.
Films, cinematograph	Present margin.
Glassware (except bottles, lamps, lamp chimneys and table glass-ware)	Present margin.
Grease, lubricating	Present margin.
Hemp manufactures	Present margin.
India rubber and gutta percha manufactures (except boots and shoes and tyres and tubes)	Present margin.
Instruments, scientific and surgical	Present margin.
Leather, dressed and undressed	Present margin.
Machinery and parts thereof :	
As enumerated in Fourth Schedule (Sec. 5) No. 3 (a) of Tariff Law No. 4 of 1925	Present margin.
Other (except fire engines and roadmaking machinery)	Present margin.
Molasses and syrup	Present margin.
Oilcloth (including linoleum)	Present margin.
Painters colours and materials	Present margin.
Paper (except playing cards, writing, fruit wrapping, cardboard guards for island produce, hoops, and shooks of cardboard or paper)	Present margin.
Perfumery	Present margin.
Photographic apparatus and chemicals for photographic use	Present margin.
Rosin	Present margin.
Saddlery and harness	Present margin.
Stationery (except writing paper)	Present margin.
Vegetables, fresh (except potatoes, onions and garlic)	Present margin.
Wallboards, fireproof	Present margin.
Wax	Present margin.
Furniture of wood	Present margin.
Aircraft and parts	Present margin.
Implements and tools :—	
Agricultural	Present margin.
Artisans	Present margin.
Musical instruments	Present margin.
Railway rolling stock	Present margin.
Advertising matter	Nil.
Bags and sacks for putting up island produce	Nil.
Bees, beehives and beekeeping apparatus	Nil.
Books, printed	Nil.
Glucose	Nil.
Hooks and shooks of iron and steel	Nil.
Hoops and shooks of cardboard or paper	Nil.
Insecticides and vermin killers	Nil.
Plants, seeds and bulbs (for propagation or cultivation)	Nil.
Tobacco, unmanufactured	Nil.
Wire screen cloth	Nil.

Article.

Maximum Margin
of Preference.

TURKS AND CAICOS ISLANDS.

Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	per cent. <i>ad val.</i>
Meats :	
Fresh	Present margin.
Beef, pork and tongues, pickled or salted	Present margin.
Smoked, dried or cured, including bacon and hams	Present margin.
Lard, animal	Present margin.
Lumber, undressed and dressed	Present margin.
Tobacco, unmanufactured	Nil.

CAYMAN ISLANDS.

Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Bacon, ham: and shoulders, and beef and pork, pickled or salted	Nil.
Lard, animal	Nil.
Tobacco, leaf and plug	Nil.
Lumber, undressed and dressed	Nil.

ANTIGUA.

Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Lumber, pitch pine, white pine, spruce, fir and hemlock	8s. per thousand feet, sup. measurement, of 1 inch thick.
Mules	Present margin.
Bags and sacks :	
For the exportation of produce	Present margin.
Other	Present margin.
Biscuits, bread and cakes, other than unsweetened	Present margin.
Boots and shoes of leather	Present margin.
Motor cars, trucks and omnibuses	Present margin.
Parts and accessories for motor cars, trucks and omnibuses, including tyres and tubes	Present margin.
Linseed oilcake and cakemeal	Present margin.
Chemicals :	
Calcium carbide	Present margin.
Other kinds	Present margin.
Electrical apparatus (including radio receiving sets and parts thereof)	Present margin.
Fruit :	
Dried	Present margin.
Canned and bottled	Present margin.
Cornmeal	Present margin.
Farinaceous preparations (except arrowroot)	Present margin.
Grease	Present margin.
Haberdashery and millinery (except hosiery)	Present margin.
Hardware	Present margin.
Implements and tools :	
Agricultural	Present margin.
Other kinds	Present margin.
India rubber and gutta percha manufactures (except tyres and tubes)	Present margin.
Lard, animal	Present margin.
Lime, building	Present margin.
Meats :	
Smoked or cured, including bacon and hams	Present margin.
Beef and pork, pickled or salted	Present margin.
Canned	Present margin.

Article.	Maximum Margin of Preference.
Musical instruments	Present margin.
Oil, lubricating	Present margin.
Oilcloth and linoleum	Present margin.
Paints and colours	Present margin.
Turpentine	Present margin.
Perfumery and toilet preparations not containing perfumed spirits	Present margin.
Spirits, whisky	Present margin.
Cigarettes	Present margin.
Vegetables :	
Potatoes, other than sweet	Present margin.
Canned	Present margin.
Fruit, fresh (except apples)	Nil.
Manures	Nil.
Tobacco, unmanufactured	Nil.

ST. CHRISTOPHER-NEVIS.

Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Mules	Present margin.
Bags and sacks :	
For the exportation of produce	Present margin.
Other	Present margin.
Biscuits, bread and cakes, other than unsweetened	Present margin.
Boots and shoes of leather	Present margin.
Motor cars, trucks and omnibuses	Present margin.
Parts and accessories for motor cars, trucks and omnibuses, includ- ing tyres and tubes	Present margin.
Linseed, oilcake and cake meal	Present margin.
Chemicals :	
Calcium carbide	Present margin.
Other kinds	Present margin.
Electrical apparatus (including radio receiving sets and parts thereof)	Present margin.
Fruit :	
Canned and bottled	Present margin.
Dried	Present margin.
Cornmeal	Present margin.
Farinaceous preparations (except arrowroot)	Present margin.
Grease	Present margin.
Haberdashery and millinery (except hosiery)	Present margin.
Hardware	Present margin.
Implements and tools :	
Agricultural	Present margin.
Other kinds	Present margin.
India rubber and gutta percha manufactures (except tyres and tubes)	Present margin.
Lard, animal	Present margin.
Lime, building	Present margin.
Meats :	
Beef and pork, pickled or salted	Present margin.
Canned	Present margin.
Smoked or cured, including bacon and hams	Present margin.
Musical instruments	Present margin.
Oil, lubricating	Present margin.
Oilcloth and linoleum	Present margin.
Paints and colours	Present margin.
Turpentine	Present margin.
Perfumery and toilet preparations, not containing perfumed spirits	Present margin.
Spirits, whisky	Present margin.
Cigarettes	Present margin.
Vegetables :	
Potatoes, other than sweet	Present margin.
Canned	Present margin.

Article.	Maximum Margin of Preference.
Wood and timber, unmanufactured :	
Lumber, white pine, spruce, fir and hemlock	Present margin.
Lumber, pitch pine	Present margin.
Fruit, fresh (except apples)	Nil.
Manures	Nil.
Tobacco, unmanufactured	Nil.

DOMINICA.

Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Lumber, pitch pine, white pine, spruce, fir and hemlock	8s. per thousand feet, sup. measurement, of 1 inch thick.
Mules	Present margin.
Bags and sacks, other than for the exportation of produce	Present margin.
Biscuits, bread and cakes, other than unsweetened	Present margin.
Boots and shoes of leather :	
Where the price per pair does not exceed 2s. 6d.	Present margin.
Where the price per pair exceeds 2s. 6d. but not 5s. 0d.	Present margin.
Where the price per pair exceeds 5s. 0d.	Present margin.
Motor cars, trucks and omnibuses	Present margin.
Parts and accessories for motor cars, trucks and omnibuses, including tyres and tubes	Present margin.
Linseed oilcake and cakemeal	Present margin.
Chemicals :	
Calcium carbide	Present margin.
Other kinds	Present margin.
Electrical apparatus (including radio receiving sets and parts thereof)	Present margin.
Fruit :	
Canned and bottled	Present margin.
Dried	Present margin.
Fresh (except apples)	Present margin.
Cornmeal	Present margin.
Farinaceous preparations (except arrowroot)	Present margin.
Grease	Present margin.
Haberdashery and millinery (except hosiery)	Present margin.
Hardware	Present margin.
Implements and tools, other than agricultural	Present margin.
India rubber and gutta percha manufactures (except tyres and tubes)	Present margin.
Lard, animal	Present margin.
Lime, building	Present margin.
Meats :	
Beef and pork, pickled or salted	Present margin.
Canned	Present margin.
Smoked or cured, including bacon and hams	Present margin.
Musical instruments	Present margin.
Oil, lubricating	Present margin.
Oilcloth and linoleum	Present margin.
Paints and colours	Present margin.
Turpentine	Present margin.
Perfumery and toilet preparations, not containing perfumed spirits	Present margin.
Spirits, whisky	Present margin.
Cigarettes	Present margin.
Vegetables :	
Canned	Present margin.
Potatoes, other than sweet	Present margin.
Bags and sacks for the exportation of produce	Nil.
Implements and tools, agricultural	Nil.
Manures	Nil.

Article.	Maximum Margin of Preference.
Tobacco, unmanufactured :	
In packets of less than 200 lb.	Nil.
In other packets	Nil.

MONTSEERRAT.

Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Mules	Present margin.
Bags and sacks :	
For the exportation of produce	Present margin.
Other	Present margin.
Biscuits, bread and cakes, other than unsweetened	Present margin.
Boots and shoes of leather	Present margin.
Motor cars, trucks and omnibuses	Present margin.
Parts and accessories for motor cars, trucks and omnibuses, including tyres and tubes	Present margin.
Linseed oilcake and cakemeal	Present margin.
Chemicals :	
Calcium carbide	Present margin.
Other kinds	Present margin.
Electrical apparatus (including radio receiving sets and parts thereof)	Present margin.
Fruit :	
Canned and bottled	Present margin.
Dried	Present margin.
Cornmeal	Present margin.
Farinaceous preparations (except arrowroot)	Present margin.
Grease	Present margin.
Haberdashery and millinery (except hosiery)	Present margin.
Hardware	Present margin.
Implements and tools :	
Agricultural	Present margin.
Other kinds	Present margin.
India rubber and gutta percha manufactures (except tyres and tubes)	Present margin.
Lard, animal	Present margin.
Lime, building	Present margin.
Meats :	
Beef and pork, pickled or salted	Present margin.
Canned	Present margin.
Smoked or cured, including bacon and hams	Present margin.
Musical instruments	Present margin.
Oil, lubricating	Present margin.
Oilcloth and linoleum	Present margin.
Paints and colours	Present margin.
Turpentine	Present margin.
Perfumery and toilet preparations, not containing perfumed spirits	Present margin.
Spirits, whisky	Present margin.
Cigarettes	Present margin.
Vegetables :	
Canned	Present margin.
Potatoes, other than sweet	Present margin.
Wood and timber, unmanufactured :	
Lumber, white pine, spruce, fir and hemlock	Present margin.
Lumber, pitch pine	Present margin.
Fruit, fresh (except apples)	Nil.
Manures	Nil.
Tobacco, unmanufactured	Nil.

Article.

Maximum Margin
of Preference.

VIRGIN ISLANDS.

Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Mules	Present margin.
Bags and sacks :	
For the exportation of produce	Present margin.
Other	Present margin.
Biscuits, bread and cakes, other than unsweetened	Present margin.
Boots and shoes of leather	Present margin.
Motor cars, trucks and omnibuses	Present margin.
Parts and accessories for motor cars, trucks and omnibuses, including tyres and tubes	Present margin.
Linseed oilcake and cakemeal	Present margin.
Chemicals :	
Calcium carbide	Present margin.
Other kinds	Present margin.
Electrical apparatus (including radio receiving sets and parts thereof)	Present margin.
Fruit :	
Canned and bottled	Present margin.
Dried	Present margin.
Cornmeal	Present margin.
Farinaceous preparations (except arrowroot)	Present margin.
Groase	Present margin.
Haberdashery and millinery (except hosiery)	Present margin.
Hardware	Present margin.
Implements and tools, other than agricultural	Present margin.
India rubber and gutta percha manufactures (except tyres and tubes)	Present margin.
Lard, animal	Present margin.
Meats :	
Beef and pork, pickled or salted	Present margin.
Canned	Present margin.
Smoked or cured, including bacon and hams	Present margin.
Musical instruments	Present margin.
Oil, lubricating	Present margin.
Oilcloth and linoleum	Present margin.
Paints and colours	Present margin.
Turpentine	Present margin.
Perfumery and toilet preparations, not containing perfumed spirits	Present margin.
Spirits, whisky	Present margin.
Cigarettes	Present margin.
Vegetables :	
Canned	Present margin.
Potatoes, other than sweet	Present margin.
Lumber, pitch pine, white pine, spruce, fir and hemlock	Present margin.
Fruit, fresh (except apples)	Nil.
Implements and tools, agricultural	Nil.
Lime, building	Nil.
Manures	Nil.
Tobacco, unmanufactured	Nil.

TRINIDAD AND TOBAGO.

Telegraph and telephone apparatus	10 per cent. <i>ad val.</i>
Wireless goods and apparatus.	10 per cent. <i>ad val.</i>
Fish :	
Pilchards, canned	\$1-20 per hundred lb.
Fruit, fresh (except apples and limes)	5 per cent. <i>ad val.</i>
Hosiery of silk	The equivalent of 9d. per pair.
Hosiery of artificial silk	The equivalent of 6d. per pair.
Lard, animal	8 c. per lb.

Article.	Maximum Margin of Preference.
Cigarettes	35 c. per lb.
<p>NOTE.—The maximum margin of preference set forth above relates to the margin between the duties and other charges applicable on importation to cigarettes the produce or manufacture of the United States of America and the duties and other charges applicable on importation to cigarettes the produce or manufacture of any territory of the British Empire other than cigarettes made wholly or in part of British Empire grown tobacco.</p>	
Lumber, sawn or hewn :	
Undressed	\$2-00 per thousand feet.
Wholly or partly dressed	\$2-00 per thousand feet.
Motor cars, exceeding 3,000 lb. in weight [Tariff Item No. 21 (d) (II)]	Present margin.
Motor lorries and vans [Tariff Item No. 21 (e)]	Present margin.
Chassis, with or without engines, or fitted tyres, constructed solely for commercial use	Present margin.
Parts and accessories for vehicles shown in Tariff Items Nos. 21 (d) (II) and (e)	Present margin.
Tyres and tubes for motor cars, lorries and vans	Present margin.
Linseed cake and meal	Present margin.
Clocks and watches (except electric clocks)	Present margin.
Confectionery	Present margin.
Electrical goods and apparatus (except wires and cables, telegraph and telephone apparatus, electric lighting appliances, accessories, fittings and parts thereof, batteries and accumulators)	Present margin.
Cinematograph and projection apparatus, electrically operated	Present margin.
Photographic and cinematograph appliances and accessories, n.e.s. (except photographic chemicals)	Present margin.
Films, cinematograph :	
Blank films	Present margin.
Exposed films :	
Positives :	
News films admitted as such by the Collector of	
Customs and Excise	Present margin.
Other	Present margin.
Fireclay	Present margin.
Fruit :	
Apples, fresh	Present margin.
Canned or bottled in syrup	Present margin.
Dried	Present margin.
Fruit juice (except lime juice), unfermented, not containing added spirit and not liable to duty as table water	Present margin.
Wheat flour	Present margin.
Farinaceous preparations (except arrowroot)	Present margin.
Grease, lubricating	Present margin.
Hardware, other than hollow-ware, n.e.s.	Present margin.
Implements and tools :	
Artisans tools	Present margin.
Other kinds [Tariff Item No. 53 (b)]	Present margin.
Machinery and parts and accessories thereof (except marine machinery)	Present margin.
Pork, pickled or salted	Present margin.
Iron and steel and manufactures thereof (except pig-iron ; ingots, blooms, billets and slabs ; bars and rods ; hoop and strip ; plates and sheets, coated, not coated and tinned ; railway rails and other railway material ; fencing wire ; wire nails and staples ; and hollow-ware, n.e.s.)	Present margin.
Non-ferrous metals and manufactures thereof (except aluminium, other than hollow-ware ; brass and alloys of copper, unwrought in blocks, ingots, &c., and lead and manufactures thereof)	Present margin.
Oil, lubricating	Present margin.
Scientific instruments and appliances and parts thereof	Present margin.
Syrup	Present margin.

Article.	Maximum Margin of Preference.
Wood and timber, unmanufactured :	
Shooks, staves and headings, oak, white	Present margin.
Implements and tools :	
Agricultural and horticultural (except secateurs)	Nil.
Tobacco, unmanufactured :	
Leaf, containing less than 25 per cent. moisture	Nil.

GRENADA.

Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Cattle and other animal foods.	Present margin.
Confectionery, including chocolate creams and sweetmeats of all kinds	Present margin.
Electrical apparatus (including radio receiving sets and parts thereof)	Present margin.
Fruit :	
Canned and bottled	Present margin.
Dried	Present margin.
Cornmeal	Present margin.
Grease	Present margin.
Hardware	Present margin.
Lard, animal	Present margin.
Meats, smoked or cured, including bacon and hams	Present margin.
Beef and pork, pickled or salted	Present margin.
Oil, lubricating	Present margin.
Paper, other than newsprint and playing cards	Present margin.
Perfumery, not including perfumed spirits	Present margin.
Soap, common, including laundry, polishing and soft soap	Present margin.
Lumber, sawn or hewn :	
Undressed	Present margin.
Wholly or partly dressed	Present margin.
Books, printed	Nil.
Tobacco, unmanufactured	Nil.

ST. LUCIA.

Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Flour bags	Present margin.
Electrical apparatus :	
Wireless sets and components	Present margin.
Batteries and accumulators	Present margin.
Other kinds	Present margin.
Fruit :	
Canned or bottled	Present margin.
Dried	Present margin.
Cornmeal	Present margin.
Lard, animal	Present margin.
Meats, salted or pickled	Present margin.
Oil, lubricating	Present margin.
Perfumery, not including perfumed spirits	Present margin.
Shooks, staves and headings :	
If imported for the exportation of agricultural produce	Present margin.
Other	Present margin.
Lumber, sawn or hewn :	
Undressed	Present margin.
Wholly or partly dressed	Present margin.
Tobacco, unmanufactured	Nil.

Sr. VINCENT.

Article.	Maximum Margin. of Preference.
Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Cattle and other animal foods (except bran and pollard)	Present margin.
Electrical apparatus :	
Radio receiving sets and parts thereof	Present margin.
Other electrical apparatus (except wires and cables)	Present margin.
Fruit, dried	Present margin.
Cornmeal	Present margin.
Grease	Present margin.
Hardware (except enamelled ware)	Present margin.
Lard, animal	Present margin.
Beef and pork, pickled or salted	Present margin.
House, office cabinet or store furniture of iron and steel	Present margin.
Oil, lubricating	Present margin.
Paper (except newsprint and playing cards)	Present margin.
Perfumery, not including perfumed spirits	Present margin.
Barrels and puncheons, empty :	
New, for exporting molasses	Present margin.
For exporting other produce	Present margin.
Yeast	Present margin.
Lumber, sawn or hewn :	
Undressed	Present margin.
Wholly or partly dressed	Present margin.
Books, printed	Nil.
Tobacco, unmanufactured	Nil.

FIJI.

Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Fish	10 per cent. <i>ad val.</i>
Fruit :	
Fresh	10 per cent. <i>ad val.</i>
Dried	10 per cent. <i>ad val.</i>
Preserved	10 per cent. <i>ad val.</i>
Vegetables :	
Fresh (except potatoes)	10 per cent. <i>ad val.</i>
Preserved	10 per cent. <i>ad val.</i>
Grease, lubricating	10 per cent. <i>ad val.</i>
Implements, agricultural	10 per cent. <i>ad val.</i>
Machinery, mining	10 per cent. <i>ad val.</i>
Tractors and parts thereof (other than road tractors)	10 per cent. <i>ad val.</i>
Motor vehicles (except motor tractors and motor cycles and side-cars), component parts and accessories thereof, other than tyres and tubes (except motor trucks declared to be imported solely for use in the transportation of ore and waste in mines and mine treatment works) [ex Tariff Item No. 103]	15 per cent. <i>ad val.</i>
Oil, lubricating, in containers of not less than one gallon	3 <i>d.</i> per gallon.
Turpentine	3 <i>d.</i> per gallon.
Clocks and clockware	Present margin.
Electrical goods and apparatus :	
Lamp bulbs :	
Not exceeding 8 watts	Present margin.
Exceeding 8 watts, but not exceeding 80 watts	Present margin.
Exceeding 80 watts	Present margin.
Other	Present margin.
Films, cinematograph	Present margin.
Linoleum	Present margin.
Machines, agricultural	Present margin.
Tyres and tubes for motor cars, trucks and omnibuses	Present margin.

Article.	Maximum Margin of Preference.
BRITISH SOLOMON ISLANDS.	
Self-contained air-conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. <i>ad val.</i>
Motor cars, trucks and omnibuses	7½ per cent. <i>ad val.</i>
Parts and accessories for motor cars, trucks and omnibuses (except tyres and tubes)	7½ per cent. <i>ad val.</i>
Oil, lubricating (other than of mineral origin)	1½d. per gallon.
Tobacco, manufactured:	
Cut	1s. 3d. per lb.
Plug	4½d. per lb.
Stick	4½ per lb.
Enamel and tinware	Present margin.
Machinery, electric, oil and steam	Present margin.
Oil, lubricating (of mineral origin)	Nil.

SCHEDULE IV.

NOTE.—The provisions of this Schedule shall be construed and given the same effect, and the application of collateral provisions of the customs laws of the United States to the provisions of this Schedule shall be determined, in so far as may be practicable, as if each provision of this Schedule appeared respectively in the statutory provision noted in the column at the left of the respective descriptions of articles.

In the case of any article enumerated in this Schedule, which is subject on the day of the signature of this Agreement to any additional or separate ordinary customs duty, whether or not imposed under the statutory provision noted in the column at the left of the respective description of the article, such separate or additional duty shall continue in force, subject to any reduction indicated in this Schedule or hereafter provided for, until terminated in accordance with law, but shall not be increased.

In the case of any article provided for in this Schedule, with respect to which a lower rate of United States duty than is specified herein is provided for pursuant to any trade agreement concluded under section 350 of the Tariff Act of 1930, as amended, such lower rate shall not be deemed to be rendered ineffective by reason of any provision of this Schedule.

In the event that any reduction shall be made in the rate of duty of 34 cents per pound of clean content applicable to wools, not specially provided for, in the grease or washed, under paragraph 1102 (b) of the Tariff Act of 1930, the specific part of any rate of duty provided for in items 1106, 1107 (except as to articles valued at not more than \$1 per pound), 1108, 1109 (a) (except as to articles valued at not more than 80 cents per pound), 1109 (b), 1110, 1112, 1113, 1114 (b), (c), and (d), 1115 (a) (except as to articles valued at not more than \$4 per pound), 1115 (b), and 1119 (except as to articles valued at not more than 80 cents per pound) shall, in so far as it applies to articles wholly or in chief value of wool of sheep, be reduced (calculated to the nearest cent per pound) by the same ratio as such rate of 34 cents per pound of clean content is reduced, and the reduced rates thus calculated with respect to such articles shall be effective ninety days after the said date on which such reduced rate applicable to wools, not specially provided for, in the grease or washed, is effective, and shall remain in effect during the remainder of the period during which such reduced rate is in effect.

United States Tariff Act of 1930. Paragraph	Description of Article.	Rate of Duty.
1	Carbon dioxide, weighing with immediate containers and carton, one pound or less per carton	1 c. per lb. on contents, immediate containers, and carton.
1	Stearic acid, valued at more than 8 cents per pound	15 per cent. <i>ad val.</i>
5	Sodium alginate	20 per cent. <i>ad val.</i>
7	Ammonium carbonate and bicarbonate.	1 c. per lb.
13	Blackings, powders, liquids, and creams for cleaning or polishing, not specially provided, for, and not containing alcohol	12½ per cent. <i>ad val.</i>
20	Chalk or whiting or Paris white, precipitated	15 per cent. <i>ad val.</i>

United States
Tariff Act of
1930.

Paragraph

Description of Article.

Rate of Duty.

27 (a) (2) and (5)	Metacresol, orthocresol, and paracresol, all the foregoing having a purity of 75 per centum or more, but less than 90 per centum, and metaparacresol having a purity of 75 per centum or more	20 per cent. <i>ad val.</i> and 3½ c. per lb.
27 (b)	Orthocresol having a purity of 90 per centum or more	10 per cent. <i>ad val.</i> and 1½ c. per lb.
27 (b)	Metacresol and paracresol, having a purity of 90 per centum or more	15 per cent. <i>ad val.</i> and 3½ c. per lb.
31 (a) (1)	Cellulose acetate, and compounds, combinations, or mixtures containing cellulose acetate : In blocks, sheets, rods, tubes, powder, flakes, briquets, or other forms, whether or not colloided, and waste wholly or in chief value of cellulose acetate, all the foregoing not made into finished or partly finished articles	25 c. per lb.
31 (b) (2)	All compounds of cellulose (except cellulose acetate, but including pyroxylin and other cellulose esters and ethers), and all compounds, combinations, or mixtures of which any such compound is the component material of chief value : Finished or partly finished articles not specially provided for, made in chief value from transparent sheets, bands, or strips not exceeding three one-thousandths of one inch in thickness	50 per cent. <i>ad val.</i>
34	Dried pawpaw juico or papain, natural and uncompounded, not edible, and not specially provided for, but advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, and not containing alcohol	5 per cent. <i>ad val.</i>
38	Extracts, dyeing and tanning, not containing alcohol : Sumac Myrobalan Mangrove	15 per cent. <i>ad val.</i> 10 per cent. <i>ad val.</i> 7½ per cent. <i>ad val.</i>
39	Flavoring extracts and natural or synthetic fruit flavours, fruit esters, oils, and essences, all the foregoing not containing alcohol, and not specially provided for	15 per cent. <i>ad val.</i>
41	Isinglass	25 per cent. <i>ad val.</i>
43	Writing and copying ink	10 per cent. <i>ad val.</i>
49	Magnesium carbonate, precipitated	1 c. per lb.
49	Magnesium oxide or calcined magnesia	5 c. per lb.
52	Sod oil	3 c. per gal.
52	Sperm oil, refined or otherwise processed	7 c. per gal.
52	Spermaceti wax	2½ c. per lb.
52	Wool grease : Containing more than 2 per centum of free fatty acids Containing 2 per centum or less of free fatty acids and not suitable for medicinal use Suitable for medicinal use, including adeps lanae, hydrous or anhydrous	½ c. per lb. 1 c. per lb. 2 c. per lb.

United States
Tariff Act of
1930.
Paragraph

Description of Article.

Rate of Duty.

54	Palm-kernel oil	$\frac{1}{4}$ c. per lb.
	NOTE.—No Federal internal tax in excess of the rate of 3 cents per pound now provided for in section 602 $\frac{1}{2}$ of the Revenue Act of 1934, as amended, shall be imposed in the United States in respect of palm-kernel oil. In the event that the United States shall cease to impose an internal tax with respect to palm-kernel oil, the provisions of this Schedule with respect to the tariff treatment of such oil shall cease to be in effect but no tariff rate in excess of 1 cent per pound shall be imposed on such oil.	
58	Patchouli oil, not containing alcohol	12 $\frac{1}{2}$ per cent. <i>ad val.</i>
61	Bath salts, if perfumed (whether or not having medicinal properties)	37 $\frac{1}{2}$ per cent. <i>ad val.</i>
65 (a)	Paints, colors, and pigments, commonly known as artists', school, students', or children's paints or colors : (2) In tubes, jars, cakes, pans, or other forms, not exceeding one and one-half pounds net weight each, and valued at 20 cents or more per dozen pieces, and not assembled in paint sets kits, or color outfits : In tubes or jars In cakes, pans, or other forms (4) In bulk, or in any form exceeding one and one-half pounds net weight each	2 c. per tube or jar and 25 per cent. <i>ad val.</i> 1 $\frac{1}{2}$ c. per cake, pan, or other form and 25 per cent. <i>ad val.</i> 5 c. per oz.
66	Enamel paints, consisting of pigments or colors ground in or mixed with varnish, not specially provided for	15 per cent. <i>ad val.</i>
68	Ultramarine blue, dry, in pulp, or ground in or mixed with oil or water, wash and all other blues containing ultramarine, if valued at more than 10 cents per pound	3 c. per lb.
72	Lead pigments : Litharge and red lead All pigments containing lead, dry or in pulp, or ground in or mixed with oil or water, not specially provided for, and not in chief value of suboxide of lead	2 $\frac{1}{2}$ c. per lb. 20 per cent. <i>ad val.</i>
73	Umbers, crude or not ground	$\frac{1}{16}$ c. per lb.
73	Synthetic iron-oxide and iron-hydroxide pigments, not specially provided for	15 per cent. <i>ad val.</i>
75	Spirit varnishes, containing 5 per centum or more of methyl alcohol	15 per cent. <i>ad val.</i>
75	Varnishes, including so-called gold size or japan not specially provided for	15 per cent. <i>ad val.</i>
80	Toilet soap valued at more than 20 cents per pound	20 per cent. <i>ad val.</i>
80	Leather soap, including saddle soap, not specially provided for	10 per cent. <i>ad val.</i>
81	Sodium chloride or salt, in bulk	4 c. per 100 lbs.
82	Sodium hydrosulphite, hydrosulphite compounds and all combinations and mixtures of the foregoing	35 per cent. <i>ad val.</i>

United States
Tariff Act of
1930.

Paragraph

Description of Article.

Rate of Duty.

201 (a)	Bath brick, not specially provided for . . .	15 per cent. <i>ad val.</i>
202 (a)	Clay floor and wall tiles, glazed, however provided for in paragraph 202 (a) of the Tariff Act of 1930, valued at more than 40 cents per square foot (except ceramic mosaic tiles and except quarries or quarry tiles) . . .	26 c. per sq. ft., but not less than 30 nor more than 60 per cent. <i>ad val.</i>
202 (a)	Quarries or quarry tiles not less than five-eighths inch in thickness : Valued at not more than 40 cents per square foot	5 c. per sq. ft., but not less than 25 nor more than 70 per cent. <i>ad val.</i>
	Valued at more than 40 cents per square foot	30 per cent. <i>ad val.</i>
205 (a)	Plaster rock or gypsum, ground or calcined . . .	\$1.40 per ton.
207	Clays or earths, including common blue clay and Gross-Almerode glass pot clay, not specially provided for : Unwrought and unmanufactured	\$1 per ton.
	Wrought or manufactured	\$2 per ton.
207	China clay or kaolin	\$1.75 per ton.
207	Fullers' earth : Unwrought and unmanufactured	\$1 per ton.
	Wrought or manufactured	\$2 per ton.
207	Flourspar containing more than 97 per centum of calcium fluoride	\$4.20 per ton.
210	Rockingham earthenware, valued at not less than \$1.50 per dozen articles	12½ per cent. <i>ad val.</i>
211	Earthenware and crockery ware composed of a non-vitrified absorbent body, including white granite and semiprocelain earthenware, and cream colored ware, terra cotta, and stoneware; any of the foregoing which is tableware, kitchenware, or table or kitchen utensils, painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner :	
211	Plates not exceeding six and five-eighths inches in diameter, and valued at not less than 60 cents per dozen plates exceeding six and five-eighths inches, but not exceeding eight and one-eighth inches in diameter, and valued at not less than 70 cents per dozen; plates exceeding eight and one-eighth inches, but not exceeding nine and one-eighth inches in diameter, and valued at not less than \$1.05 per dozen; plates exceeding nine and one eighth inches in diameter, and valued at not less than \$1.25 per dozen; cups and their saucers, valued at not less than \$1.25 per dozen cups and dozen saucers; cups valued at not less than 80 cents per dozen, saucers valued at not less than 45 cents per dozen; all the foregoing not specially provided for	10 c. per dozen pieces, and 30 per cent. <i>ad val.</i>

United States
Tariff Act of
1930.Paragraph
212

Description of Article.

Rate of Duty.

	China, porcelain, and other vitrified wares, including chemical porcelain ware, composed of a vitrified non-absorbent body which when broken shows a vitrified or vitreous, or semivitrified or semivitreous fracture, and all bisque and parian wares, including clock cases with or without movements, plaques, pill tiles, ornaments, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware (except sanitary ware and parts and fittings therefore): any of the foregoing containing 25 per centum or more of calcined bone:	
	Plain white not painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner and manufactures in chief value of such ware, not specially provided for:	
	Tableware, kitchenware, and table and kitchen utensils	40 per cent. <i>ad val.</i> , but not less than 5 c. per doz. separate pieces and 30 per cent. <i>ad val.</i>
	Other	40 per cent. <i>ad val.</i>
	Painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, and manufactures in chief value of such ware, not specially provided for:	
	Tableware, kitchenware, and table and kitchen utensils	45 per cent. <i>ad val.</i> , but not less than 5 c. per doz. separate pieces and 35 per cent. <i>ad val.</i>
	Other	45 per cent. <i>ad val.</i>
213	Graphite or plumbago, crude or refined:	
	Amorphous	5 per cent. <i>ad val.</i>
	Crystalline lump, chip, or dust	15 per cent. <i>ad val.</i>
214	Ground Cornwall stone	20 per cent. <i>ad val.</i>
216	Brushes, of whatever material composed, and wholly or partly manufactured for electric motors, generators, or other electrical machines or appliances; plates, rods, and other forms, of whatever material composed, and wholly or partly manufactured, for manufacturing into the aforesaid brushes	25 per cent. <i>ad val.</i>
216	Articles or wares composed wholly or in part of carbon or graphite, wholly or partly manufactured, not specially provided for . . .	30 per cent. <i>ad val.</i>
218 (a)	Biological, chemical, metallurgical, pharmaceutical, and surgical articles and utensils of all kinds, including all scientific articles, and utensils, whether used for experimental purposes in hospitals, laboratories, schools or universities, colleges, or otherwise, all the foregoing (except articles provided for in paragraph 217 or in subparagraph (c) of paragraph 218 of the Tariff Act of 1930), finished or unfinished, wholly or in chief value of fused quartz or fused silica .	40 per cent. <i>ad val.</i>

United States
Tariff Act of
1930.

Paragraph

Description of Article.

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218 (b)	Tubes (except gauge glass tubes), rods, canes, and tubing with ends finished or unfinished, for whatever purpose used, wholly or in chief value of fused quartz or fused silica . . .	30 per cent. <i>ad val.</i>
218 (b)	Gauge glass tubes, wholly or in chief value of glass . . .	35 per cent. <i>ad val.</i>
218 (f)	Table and kitchen articles and utensils, and all articles of every description not specially provided for composed wholly or in chief value of glass, blown or partly blown in the mould or otherwise, if cut or engraved, however provided for in paragraph 218 (f) of the Tariff Act of 1930, and valued at not less than \$1 each (except articles primarily designed for ornamental purposes, decorated chiefly by engraving and valued at not less than \$8 each) . . .	45 per cent. <i>ad val.</i>
226	Spectacle and eyeglass lenses of glass or pebble, moulded, or pressed, or ground and polished to a spherical, cylindrical, or prismatic form, and ground and polished plano or coquille glasses, wholly or partly manufactured, with the edges unground, valued at \$10 or more per dozen pairs . . .	25 per cent. <i>ad val.</i>
228 (b)	Photographic lenses, finished or unfinished, not specially provided for, valued at \$5 or more each . . .	30 per cent. <i>ad val.</i>
	<i>Provided</i> , That cameras shall not be accorded a reduction in duty by virtue of this item.	
231	Smalts, frostings, and all ceramic and glass colors, fluxes, glazes, and enamels, all the foregoing, ground or pulverized . . .	15 per cent. <i>ad val.</i>
301	Iron in pigs and iron kentledge, not containing more than four-hundredths of 1 per centum of phosphorus . . .	75 c. per ton.
302 (k)	Chrome metal or chromium metal . . .	25 per cent. <i>ad val.</i>
312	Saches and frames of iron or steel . . .	15 per cent. <i>ad val.</i>
316 (a)	Wire rope . . .	2½ c. per lb., but not less than 17½ nor more than 35 per cent. <i>ad val.</i>
319 (a)	Iron or steel anchors and parts thereof . . .	15 per cent. <i>ad val.</i>
321	Antifriiction balls and rollers, metal balls and rollers commonly used in ball or roller bearings, whether finished or unfinished for whatever use intended . . .	8 c. per lb. and 25 per cent. <i>ad val.</i>
327	Castings of malleable iron for heel and other plates for boots and shoes . . .	10 per cent. <i>ad val.</i>
329	Chains or iron or steel, used for the transmission of power, of not more than two-inch pitch and containing more than three parts per pitch, and parts thereof, finished or unfinished all the foregoing if valued at not less than 40 cents per pound . . .	25 per cent. <i>ad val.</i>
329	Chains used for the transmission of power, and parts thereof, not specially provided for . . .	25 per cent. <i>ad val.</i>
335	Grit, shot, and sand of iron or steel, in any form . . .	½ c. per lb.

United States
Tariff Act of
1930.

Paragraph

Description of Article.

Rate of Duty.

- 337 Card clothing not actually and permanently fitted to and attached to carding machines or to parts thereof at the time of importation:
When manufactured with round iron or untempered round steel wire . . . 15 per cent. *ad val.*
When manufactured with tempered round steel wire, or with plated wire, or other than round iron or steel wire, or with felt face, wool face, or rubber-face cloth containing wool . . . 35 per cent. *ad val.*
- 339 Carbonated water syphons which are table, household, kitchen, or hospital utensils composed wholly or in chief value of copper, brass, steel, or other base metal (other than aluminium), not plated with platinum, gold, or silver, and not specially provided for . . . 25 per cent. *ad val.*
- 339 Table, household, kitchen, and hospital utensils, and hollow or flat ware, not specially provided for:
Plated with silver on nickel silver or copper . . . 35 per cent. *ad val.*
Composed wholly or in chief value of copper (including copper in alloys other than brass), not plated with platinum, gold, or silver, and not specially provided for . . . 35 per cent. *ad val.*
Composed wholly or in chief value of pewter, not plated with platinum, gold, or silver, and not specially provided for . . . 25 per cent. *ad val.*
- 343 Tape knitting, and all other needles, not specially provided for, and bodkins of metal . . . 30 per cent. *ad val.*
- 343 Needle cases or needle books, furnished with assortments of needles only, and valued at not less than \$1.25 per dozen cases or books . . . 30 per cent. *ad val.*
- 345 Saddlery and harness hardware:
Buckles, rings, snaps, bits, swivels, and all other articles of iron, steel, brass, composition, or other metal, not plated with gold or silver, commonly or commercially known as harness hardware . . . 20 per cent. *ad val.*
All articles of iron, steel, brass, composition, or other metal, not plated with gold or silver, commonly or commercially known as saddlery or riding bridle hardware . . . 25 per cent. *ad val.*
All the foregoing if plated with gold or silver . . . 30 per cent. *ad val.*
- 346 Belt buckles, trouser buckles, and waistcoat buckles, shoe or slipper buckles, and parts thereof, made wholly or partly of iron, steel or other base metal:
Valued at more than 20 and not more than 50 cents per hundred . . . 7 c. per 100 and 10 per cent. *ad val.*
Valued at more than 50 cents and not more than \$1.66½ per hundred . . . 10 c. per 100 and 10 per cent. *ad val.*

United States
Tariff Act of
1930.

Paragraph

Description of Article.

Rate of Duty.

349	Buttons of metal, not specially provided for .	$\frac{1}{2}$ c. per line per gross and 10 per cent. <i>ad val.</i>
350	Pins with solid heads, without ornamentation, not plated with gold or silver, and not commonly known as jewelry: Hair pins and dressmaker's or common pins	30 per cent. <i>ad val.</i>
351	Pens, not specially provided for: Of plain or carbon steel Wholly or in part of other metal Any of the foregoing with nib and barrel in one piece	12 c. per gross. 14 c. per gross. 15 c. per gross.
353	Electrical telegraph (including printing and typewriting) apparatus instruments (other than laboratory), and devices finished or unfinished, wholly or in chief value of metal	$17\frac{1}{2}$ per cent. <i>ad val.</i>
353	Cordage machines having as an essential feature an electrical element or device, finished or unfinished, wholly or in chief value of metal, and not specially provided for	20 per cent. <i>ad val.</i>
353	Tobacco cutting machines and industrial cigarette making machines, having as an essential feature an electrical element or device, finished or unfinished, wholly or in chief value of metal, and not specially provided for	$22\frac{1}{2}$ per cent. <i>ad val.</i>
353	Machines for packaging pipe tobacco machines for rapping cigarette packages, and machines for rapping candy; combination candy cutting and rapping machines; all the foregoing having as an essential feature an electrical element or device, finished or unfinished, wholly or in chief value of metal, and not specially provided for	$17\frac{1}{2}$ per cent. <i>ad val.</i>
353	Internal-combustion engines having as an essential feature an electrical element or device, finished or unfinished, wholly or in chief value of metal, and not specially provided for: Carburetor type Other than Carburetor type: Horizontal type, weighing not over five thousand pounds each Other than horizontal type weighing not over two thousand five hundred pounds each	$17\frac{1}{2}$ per cent. <i>ad val.</i> $17\frac{1}{2}$ per cent. <i>ad val.</i> $17\frac{1}{2}$ per cent. <i>ad val.</i>

United States
Tariff Act of
1930.
Paragraph
353

Description of Article.

Rate of Duty.

353	Electrical signalling, radio, welding, and ignition apparatus, instruments (other than laboratory), and devices; electrical generators, transformers, converters, double current and motor generators, dynamotors, and all other articles suitable for producing rectifying, modifying, controlling, or distributing electrical energy, and articles having as an essential feature an electrical element or device such as electric motors, locomotives, portable tools, furnaces, heaters, ovens, refrigerators, and signs (except telephone, wiring, diagnostic, and therapeutic apparatus, instruments, and devices, primary cells, flashlights, switches, switch gear, fans, blowers, washing machines, and machines not herein provided for by name which would be dutiable under paragraph 372 of the Tariff Act of 1930 if of a kind which could be designed to operate without such electrical element or device, and except articles of a class or kind with respect to which United States import duties have been reduced or bound against increase pursuant to any Agreement heretofore concluded under section 350 of such Act, as amended); all the foregoing, not specially provided for, finished or unfinished, wholly or in chief value of metal, and not provided for heretofore in any item numbered 353 in this Schedule	25 per cent. <i>ad val.</i>
353	Machines having as an essential feature and electrical element or device and which would be dutiable under paragraph 372 of the Tariff Act of 1930 if of a kind which could be designed to operate without such electrical element or device (except articles of a class or kind with respect to which United States import duties have been reduced or bound against increase pursuant to any Agreement heretofore concluded under section 350 of such Act, as amended); all the foregoing, not specially provided for, finished or unfinished, wholly or in chief value of metal, and not provided for heretofore in any item numbered 353 in this Schedule	27½ per cent. <i>ad val.</i>
353	Parts, not specially provided for, finished or unfinished, wholly or in chief value of metal, of any articles provided for in any item numbered 353 in this Schedule shall, be dutiable at the same rate of duty as the articles of which they are parts.	
355	Table, butchers', carving, cooks', hunting, kitchen, bread, cake, pie, slicing, cigar, butter, vegetable, fruit, cheese, canning, fish, carpenters' bench, curriers', drawing, farriers', fleshing, hay, sugar-beet, beet-topping, tanners', plumbers', painters', pelette, artists', shoe, and similar knives, forks, and steels, and cleavers, all the fore-	

United States
Tariff Act of
1930.

Description of Article.

Rate of Duty.

Paragraph Table, hatcher's, etc.—*contd.*

355—*contd.* going, finished or unfinished, not specially provided for :

With handles of mother-of-pearl, shell, ivory, deer, or other animal horn 8 c. each and 25 per cent. *ad val.*

With handles plated with and in chief value of silver 10 c. each and 25 per cent. *ad val.*

With handles of silver (other than plated with silver), or other metal than aluminium, nickel silver, iron or steel 16 c. each and 35 per cent. *ad val.*

With handles of hard rubber, solid bone, celluloid, or any pyroxylin, casein, or similar material :

Table, carving, cake, pie, butter, fruit, cheese, and fish 4 c. each and 25 per cent. *ad val.*

Other 8 c. each and 35 per cent. *ad val.*

With handles of wood or wood and steel if specially designed for other than household, kitchen, or butchers' use, or with handles of nickel silver or steel other than austenitic :

If less than four inches in length, exclusive of handle 2 c. each and 25 per cent. *ad val.*

If four inches in length or over, exclusive of handle (except hay forks and four-tined manure forks). 4 c. each and 25 per cent. *ad val.*

With handles of any other material including those with handles of wood or wood and steel not specially designed for other than household, kitchen, or butchers' use :

If less than four inches in length, exclusive of handle 2 c. each and 35 per cent. *ad val.*

If four inches in length or over, exclusive of handle (except hay forks and four-tined manure forks). 8 c. each and 35 per cent. *ad val.*

Any of the foregoing without handles :

With blades less than six inches in length 2 c. each and 25 per cent. *ad val.*

With blades six inches or more in length (except hay forks and four-tined manure forks) 4 c. each and 25 per cent. *ad val.*

355

Hay forks and four-tined manure forks, all the foregoing, finished or unfinished, not specially provided for, with handles of any material other than those specifically mentioned in paragraph 355 of the Tariff Act of 1930, if four inches in length or over, exclusive of handle 2 c. each and 12 per cent. *ad val.*

United States
Tariff Act of
1930.

Paragraph

Description of Article.

Rate of Duty.

355	Hay forks and four-tined manure forks, finished or unfinished, not specially provided for, any of the foregoing without handles, with blades six inches or more in length	2 c. each and 12 per cent. <i>ad val.</i>
356	Planing-machine knives, tannery and leather knives, tobacco knives, paper and pulp mill knives, shear blades, circular cloth cutters, circular cork cutters, circular cigarette cutters, and all other cutting knives and blades used in power or hand machines (except knives and blades for meat-cutting, meat-slicing, or meat-chopping machines)	20 per cent. <i>ad val.</i>
357	Pruning and sheep shears, and blades for the same, finished or unfinished, valued at more than \$1.75 per dozen	10 c. each and 22½ per cent. <i>ad val.</i>
358	Safety razors, and safety-razor handles and frames	5 c. each and 15 per cent. <i>ad val.</i>
358	Blades for safety razors : In strips	½ c. each and 15 per cent. <i>ad val.</i>
	All other, finished or unfinished	½ c. each and 15 per cent. <i>ad val.</i>
360	Pyrometers and moisture testers which are scientific or laboratory instruments, apparatus, utensils, or appliances, and parts thereof, wholly or in chief value of metal, and not plated with gold, silver, or platinum, finished, or unfinished, and not specially provided for	25 per cent. <i>ad val.</i>
365	Shotguns and rifles valued at more than \$50 each	32½ per cent. <i>ad val.</i>
368 (a)	Ships' logs, standard marine chronometers having spring-detent escapements, and depth-sounding mechanisms, devices, and instruments; all the foregoing intended or suitable for measuring time, distance, or speed, whether or not in cases, containers, or housings : (1) Valued at more than \$10 each. (2) Any of the foregoing shall be subject to an additional duty of (3) Any of the foregoing containing jewels shall be subject to an additional cumulative duty of	\$2.25 each. 32½ per cent. <i>ad val.</i> 12½ c. for each such jewel.
368 (c)	Parts specified hereunder for any of the articles specified in item 368 (a) of this Schedule shall be dutiable as follows : (1) Parts (except plates provided for in clause (2) of sub-paragraph 368 (c) of the Tariff Act of 1930, and jewels) imported in the same shipment with complete movements, mechanisms, devices, or instruments, provided for in item 368 (a) of this Schedule (whether or not suitable for use in such movements, mechanisms, devices, or instruments)	22½ per cent. <i>ad val.</i>

United States
Tariff Act of
1930.

	Description of Article.	Rate of Duty.
Paragraph	Parts specified hereunder, etc.— <i>contd.</i>	
368(c)— <i>contd.</i>	but this clause of this item shall not be applicable to that portion of all the parts in the shipment which exceeds in value $1\frac{1}{2}$ per centum of the value of such complete movements, mechanisms, devices, or instruments.	
	(6) All other parts (except jewels and except those provided for in subparagraph 368 (c) (2), (3), (4), and (5) of the Tariff Act of 1930)	32½ per cent. <i>ad val.</i>
369 (b)	Motor cycles, whether finished or unfinished	10 per cent. <i>ad val.</i>
369 (c)	Parts (except tires and except parts wholly or in chief value of glass) for motor cycles, finished or unfinished, not specially provided for	wholly
370	Internal-combustion motor-boat engines :	15 per cent. <i>ad val.</i>
	Carburetor type	17½ per cent. <i>ad val.</i>
	Other than carburetor type, weighing not more than two thousand five hundred pounds each	17½ per cent. <i>ad val.</i>
371	Bicycles with or without tires, having wheels in diameter (measured to the outer circumference of the tire) :	
	Over twenty-five inches	\$2.50 each, but not less than 15 nor more than 30 per cent. <i>ad val.</i>
	Over nineteen, but not over twenty-five inches	\$2 each, but not less than 15 nor more than 30 per cent. <i>ad val.</i>
	Not over nineteen inches	\$1.25 each, but not less than 15 nor more than 30 per cent. <i>ad val.</i>
371	Frames for bicycles	\$1.25 each, but not less than 15 nor more than 30 per cent. <i>ad val.</i>
372	Reciprocating steam engines (except locomotives)	10 per cent. <i>ad val.</i>
372	Sewing machines, not specially provided for :	
	Valued at not more than \$75 each	15 per cent. <i>ad val.</i>
	Valued at more than \$75 each	15 per cent. <i>ad val.</i>
372	Steam turbines	20 per cent. <i>ad val.</i>
372	Lace-making machines, and machines for making lace curtains, nets, and nettings (except Levers or go-through lace machines)	15 per cent. <i>ad val.</i>
372	Circular knitting machines, finished or unfinished	20 per cent. <i>ad val.</i>
372	Braiding, lace braiding, and insulating machines, and all other similar textile machinery, finished or unfinished, not specially provided for	20 per cent. <i>ad val.</i>
372	Textile machinery, finished or unfinished, not specially provided for, for textile manufacturing or processing prior to the making of fabrics or woven, knit, crocheted, or felt articles not made from fabrics (except worsted combs, bleaching, printing, dyeing, or finishing machinery, and machinery for making synthetic textile filaments, bands, strips, or sheets)	20 per cent. <i>ad val.</i>

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Tariff Act of
1930.

Paragraph.

Description of Article.

Rate of Duty.

372	Textile machinery, finished or unfinished, not specially provided for, and not provided for heretofore in any item numbered 372 in this Schedule (except worsted combs, machinery for making synthetic textile filaments, bands, strips, or sheets, looms, or bleaching, printing, dyeing, and finishing machinery, and not including any article of a class or kind with respect to which United States import duties have been reduced or bound against increase pursuant to any trade agreement heretofore concluded under section 350 of the Tariff Act of 1930, as amended)	25 per cent. <i>ad val.</i>
372	Cordage machines, finished or unfinished, not specially provided for	20 per cent. <i>ad val.</i>
372	Combination cases and sharpening mechanisms for safety razors	22½ per cent. <i>ad val.</i>
372	Tobacco cutting machines and industrial cigarette making machines, finished or unfinished, not specially provided for	22½ per cent. <i>ad val.</i>
372	Machines for packaging pipe tobacco, machines for wrapping cigarette packages, and machines for wrapping candy; combination candy cutting and wrapping machines; all the foregoing, finished or unfinished, not specially provided for	17½ per cent. <i>ad val.</i>
372	Internal-combustion engines, finished or unfinished, not specially provided for:	
	Carburetor type	17½ per cent. <i>ad val.</i>
	Other than carburetor type:	
	Horizontal type, weighing not over five thousand pounds each	17½ per cent. <i>ad val.</i>
	Other than horizontal type, weighing not over two thousand five hundred pounds each	17½ per cent. <i>ad val.</i>
372	Parts, not specially provided for, wholly or in chief value of metal or porcelain, of any articles provided for in any item numbered 372 in this Schedule, shall be dutiable at the same rate of duty as the articles of which they are parts.	
373	Shovels, spades, scoops, and drainage tools, and parts thereof, composed wholly or in chief value of metal, whether partly or wholly manufactured	15 per cent. <i>ad val.</i>
373	Forks, hoes, and rakes, all the foregoing if agricultural hand tools, and parts thereof, composed wholly or in chief value of metal, whether partly or wholly manufactured	7½ per cent. <i>ad val.</i>
374	Aluminum, and alloys (except those provided for in paragraph 302 of the Tariff Act of 1930) in which aluminum is the component material of chief value, in coils, plates, sheets, bars, rods, circles, disks, blanks, strips, rectangles, and squares	6 c. per lb.
381	Seamless brass tubes and tubing	4 c. per lb.
381	Bronze tubes	4 c. per lb.

United States
Tariff Act of
1930.

Paragraph

Description of Article.

Rate of Duty.

389	Nickel, and alloys (except those provided for in paragraph 302 or 380 of the Tariff Act of 1930) in which nickel is the component material of chief value: Tubes and tubing and in addition, if cold rolled, cold drawn, or cold worked	12½ per cent. <i>ad val.</i> 5 per cent. <i>ad val.</i>
390	Bottle caps of metal, collapsible tubes, and sprinkler tops: If not decorated, colored, waxed, lacquered, enameled, lithographed, electroplated, or embossed in color If decorated, colored, waxed, lacquered, enameled, lithographed, electroplated, or embossed in color	25 per cent. <i>ad val.</i> 35 per cent. <i>ad val.</i>
395	Used print blocks, of whatever material composed, used for printing, stamping, or cutting designs	40 per cent. <i>ad val.</i>
397	Articles or wares not specially provided for, if composed wholly or in chief value of silver	50 per cent. <i>ad val.</i>
397	Articles or wares not specially provided for, if plated with silver on nickel silver or copper	35 per cent. <i>ad val.</i>
397	Containers, not specially provided for, wholly or in chief value of tin plate, but not plated with platinum, gold, or silver, or colored with gold lacquer	22½ per cent. <i>ad val.</i>
397	Articles or wares not specially provided for, composed wholly or in chief value of iron, steel, or other base metal (except lead), but not plated with platinum, gold, or silver, or colored with gold lacquer, whether partly or wholly manufactured: Luggage hardware Typewriter spools and parts of carbonated water siphons Cases and sharpening devices for safety razors; tricycles, including velocipedes, valued at \$2.75 or more each; baby carriage fittings; styluses; and golf club heads	30 per cent. <i>ad val.</i> 25 per cent. <i>ad val.</i> 22½ per cent. <i>ad val.</i>
397	Articles or wares not specially provided for, if composed wholly or in chief value of lead, but not plated with platinum, gold, or silver, or colored with gold lacquer, whether wholly or partly manufactured	3 c. per lb., but not less than 22½ nor more than 45 per cent. <i>ad val.</i>
412	Furniture (other than chairs), wholly or partly finished, wholly or in chief value of wood, and not specially provided for	25 per cent. <i>ad val.</i>
412	Tennis-racket and badminton-racket frames, wholly or in chief value of wood, valued at \$1.75 or more each	20 per cent. <i>ad val.</i>

United States
Tariff Act of
1930.Paragraph
502

Description of Article.

Rate of Duty.

Molasses and sugar sirups, not specially provided for, which contain soluble nonsugar solids (excluding any foreign substance that may have been added) equal to more than 6 per centum of the total soluble solids:

Testing not above 48 per centum total sugars

Testing above 48 per centum total sugars

1/6 c. per gal.

11/60 c. additional for each per centum of total sugars and fractions of a per centum in proportion.

Provided, That such molasses and sugar sirups entered, or withdrawn from warehouse, for consumption in any calendar year in excess of an aggregate quantity of one million five hundred thousand gallons per annum shall not be entitled to a reduction in duty by virtue of this item. Such molasses and sugar sirups in excess of one million five hundred thousand gallons per annum shall not be subject to higher rates of customs duties than are in effect on the day of the signature of this Agreement.

505

Salicin

35 per cent. *ad val.*

506

Sugar candy and all confectionery not specially provided for, valued at 6 cents or more per pound

20 per cent. *ad val.*

603

Manufactured or unmanufactured tobacco, not specially provided for

35 c. per lb.

605

Cigarettes

\$2.25 per lb. and 12½ per cent. *ad val.*

704

Venison, fresh, chilled, or frozen, not specially provided for

3 c. per lb.

705

Extract of meat, including fluid

15 c. per lb.

706

Meat pastes (other than liver pastes), prepared or preserved, not specially provided for, packed in air-tight containers weighing with their contents not more than three ounces each

6 c. per lb., but not less than 10 per cent. *ad val.*

712

Birds, dead, dressed or undressed, fresh, chilled, or frozen (except chickens, ducks, geese, guineas, and turkeys)

5 c. per lb.

714

Horses, unless imported for immediate slaughter, valued at more than \$150 per head

17½ per cent. *ad val.*

718 (b)

Fish, prepared or preserved in any manner, when packed in air-tight containers weighing with their contents not more than fifteen pounds each (except fish packed in oil or in oil and other substances):

Herring, smoked or kippered or in tomato sauce, packed in immediate containers weighing with their contents more than one pound each

15 per cent. *ad val.*

United States
Tariff Act of
1930.

Description of Article.

Rate of Duty.

Paragraph
719

Fish, pickled or salted (except fish packed in oil or in oil and other substances and except fish packed in air-tight containers weighing with their contents not more than fifteen pounds each):

(2) Cod, haddock, hake, pollock, and cusk, neither skinned nor boned (except that the vertebral column may be removed), when containing more than 43 per centum of moisture by weight

$\frac{3}{4}$ c. per lb.

(4) Herring, whether or not boned, in immediate containers weighing with their contents more than fifteen pounds each and containing each more than ten pounds of herring, net weight: If known commercially as full herring, when imported and entered for consumption during the period from December 15 to the following January 31, inclusive, in any years; or if valued at 6 cents or more per pound

$\frac{5}{8}$ c. per lb. net weight.

720 (a) (3) Herring, smoked or kippered (except herring packed in oil or in oil and other substances and except herring packed in air-tight containers weighing with their contents not more than fifteen pounds each), eviscerated, split, skinned, or divided into portions (but not boned)

2 c. per lb.

721 (c) Fish paste and fish sauce

20 per cent. *ad val.*

722 Patent barley and barley flour

2 c. per lb.

726 Oatmeal, rolled oats, oat grits, and similar oat products

10 per cent. *ad val.*,
but not less than
40 nor more than
80 c. per hundred
pounds.

733 Biscuits, wafers, cake, cakes, and similar baked articles, and puddings, all the foregoing by whatever name known, whether or not containing chocolate, nuts, fruits, or confectionery of any kind

15 per cent. *ad val.*

736 Lingon or partridge berries, in their natural condition or in brine

$\frac{5}{8}$ c. per lb.

736 Berries (including blueberries), edible, frozen, and not specially provided for

17 $\frac{1}{2}$ per cent. *ad val.*

738 Malt vinegar

4 c. per proof gal.

743 Limes, in their natural state, or in brine

1 $\frac{1}{2}$ c. per lb.

747 Pineapples not in bulk

35 c. per crate of
2.45 cubic ft.

747 Pineapples, prepared or preserved, and not specially provided for

1 $\frac{1}{2}$ c. per lb.

751 All jellies, jams, marmalades, and fruit butters

20 per cent. *ad val.*

753 Cut flowers, fresh, dried, prepared, or preserved

25 per cent. *ad val.*

754 Orchid plants

15 per cent. *ad val.*

758 Coconuts

$\frac{1}{4}$ c. each.

763 Clover seed, not specially provided for

2 c. per lb.

United States
Tariff Act of
1930.

Paragraph

Description of Article.

Rate of Duty.

763	Rye grass seed	1½ c. per lb.
764	Turnip and rutabaga seeds	3 c. per lb.
774	Celery in its natural state, when imported and entered for consumption during the period from April 15 to the following July 31, inclusive, in any year	1 c. per lb.
781	Mustard seeds (whole)	1¾ c. per lb.
781	Mustard, ground or prepared in bottles or otherwise	7½ c. per lb.
781	Curry and curry powder	2½ c. per lb.
802	Whiskey of all types and classes, not consisting in any part of distilled spirits which have not been aged in wooden containers at least four years prior to the date the whiskey is entered, or withdrawn from warehouse, for consumption	\$2.50 per proof gal.
802	Rum, in containers holding each one gallon or less	\$2.50 per proof gal.
802	Gin	\$2.50 per proof gal.
802	Bitters of all kinds containing spirits	\$2.50 per proof gal.
806 (a)	Cherry juice, prune juice, or prune wine, and all other fruit juices and fruit sirups, not specially provided for, containing less than one-half of 1 per centum of alcohol	35 c. per gal.
806 (b)	Concentrated lime juice, fit for beverage purposes, whether in liquid, powdered, or solid form	35 c. per gal. on the quantity of unconcentrated natural fruit juice contained therein as shown by chemical analysis.
808	Ginger ale, ginger beer, lemonade, soda water, and similar beverages containing no alcohol, and beverages containing less than one-half of 1 per centum of alcohol, not specially provided for	10 c. per gal.
901 (a)	Cotton yarn, including warps, in any form, not bleached, dyed, colored, combed, or plied : Of numbers exceeding number 60 but not exceeding number 80 Of numbers exceeding number 80	23 per cent. <i>ad val.</i> and, in addition thereto, for each number above number 60, 1/10 of 1 per cent. <i>ad val.</i> 25 per cent. <i>ad val.</i>
901 (b)	Cotton yarn, including warps, in any form, bleached, dyed, colored, combed, or plied : Of numbers exceeding number 60 but not exceeding number 80 Of numbers exceeding number 80	28 per cent. <i>ad val.</i> and, in addition thereto, for each number above number 60, 1/10 of 1 per cent. <i>ad val.</i> 30 per cent. <i>ad val.</i>

United States
Tariff Act of
1930.

Paragraph

904 (a)

Cotton cloth, not bleached, printed, dyed, or colored, containing yarns the average number of which—

Does not exceed number 102, if valued at more than 70 cents per pound .

7½ per cent. *ad val.* and, in addition thereto, for each number, ¼ of 1 per cent. *ad val.*

904 (a)

Exceeds number 102 The minimum rate of duty on any cotton cloth, not bleached, printed, dyed, or colored, to be imposed under paragraph 904 (a) of the Tariff Act of 1930 shall be

33 per cent. *ad val.*

904 (b)

Cotton cloth, bleached (but not including any article of a class or kind with respect to which United States import duties have been reduced or bound against increase pursuant to any trade agreement heretofore concluded under section 350 of the Tariff Act of 1930, as amended), containing yarns the average number of which—

Does not exceed number 60, if valued at more than 80 cents per pound; or exceeds number 60 but does not exceed number 90, if valued at more than \$1.20 per pound

¼ c. per average number per lb. .

Exceeds number 90

10 per cent. *ad val.* and, in addition thereto, for each number, ¼ of 1 per cent. *ad val.*

36 per cent. *ad val.*

904 (c)

Cotton cloth, printed, dyed, or colored (but not including any article of a class or kind with respect to which United States import duties have been reduced or bound against increase pursuant to any trade agreement heretofore concluded under section 350 of the Tariff Act of 1930, as amended), containing yarns the average number of which—

Does not exceed number 60, if valued at more than 90 cents per pound; or exceeds number 60 but does not exceed number 90, if valued at more than \$1.40 per pound

12 per cent. *ad val.* and, in addition thereto, for each number, ¼ of 1 per cent. *ad val.*

39 per cent. *ad val.*

Exceeds number 90

904 (d)

The additional duty to be levied, collected, and paid under paragraph 904 (d) of the Tariff Act of 1930 on cotton cloth woven with 8 or more harnesses, or with Jacquard, lappet, or swivel attachments, or with two or more colors or kinds of filling shall be .

5 per cent. *ad val.*

906

Cloth, in chief value of cotton, containing wool

40 per cent. *ad val.*

907

Tracing cloth

20 per cent. *ad val.*

United States Tariff Act of 1930. Paragraph	Description of Article.	Rate of Duty.
907	Cotton window hollands	20 per cent. <i>ad val.</i>
907	Oilcloths (except silk oilcloths and oilcloths for floors)	15 per cent. <i>ad val.</i>
907	Filled or coated cotton cloths not specially provided for	20 per cent. <i>ad val.</i>
907	Waterproof cloth, wholly or in chief value of cotton or other vegetable fiber, whether or not in part of India rubber	25 per cent. <i>ad val.</i>
909	Pile fabrics, cut or uncut, whether or not the pile covers the entire surface, wholly or in chief value of cotton : Corduroys, fifty-two inches or more in width, valued at 50 cents or more per square yard	30 per cent. <i>ad val.</i>
	Plushes and chenilles, fifty-two inches or more in width, valued at \$1 or more per square yard	30 per cent. <i>ad val.</i>
	Twill-back velveteens, valued at 65 cents or more per square yard	37½ per cent. <i>ad val.</i>
909	Velvetten polishing cloths, wholly or in chief value of cotton, valued at 60 cents or more per square yard	31¼ per cent. <i>ad val.</i>
912	Spindle banding, and lamp and stove wicking, wholly or in chief value of cotton or other vegetable fiber	20 per cent. <i>ad val.</i>
913 (a)	Belts and belting, for machinery, wholly or in chief value of cotton or other vegetable fiber or of cotton or other vegetable fiber and India rubber (except belts and belting in part of India rubber and valued at less than 40 cents per pound)	20 per cent. <i>ad val.</i>
913 (b)	Rope used as belting for textile machinery, wholly or in chief value of cotton	25 per cent. <i>ad val.</i>
918	Handkerchiefs and woven mufflers, wholly or in chief value of cotton, finished or unfinished, not hemmed, shall be subject to duty as cloth; and, in addition, if hemmed or hemstitched	10 per cent. <i>ad val.</i>
919	Clothing and articles of wearing apparel of every description, manufactured wholly or in part, wholly or in chief value of cotton, and not specially provided for : Coats valued at \$4 or more each; vests valued at \$24 or more per dozen; dressing gowns, including bathrobes and beach robes, valued at \$2.50 or more each; underwear valued at \$9 or more per dozen separate pieces; and pajamas valued at \$18 or more per dozen suits	20 per cent. <i>ad val.</i>
919	Shirt collars and cuffs, of cotton, not specially provided for	15 c. per doz. pieces and 5 per cent. <i>ad val.</i>
920	Lace window curtains, nets, nettings, pillow shams, and bed sets, and all other fabrics and articles, by whatever name known, plain or Jacquard-figured, finished or unfinished, wholly or partly manufactured, for any use whatsoever, made on the Nottingham lace-curtain machine, wholly or in chief value of cotton or other vege- table fiber	50 per cent. <i>ad val.</i>

United States
Tariff Act of
1930.

Paragraph

923

Description of Article.

Rate of Duty.

	Manufactures, wholly or in chief value of cotton, not specially provided for : Terry-woven towels valued at 45 cents or more each ; printers' rubberized blanketing ; molded cotton and rubber packing ; fishing nets valued at 50 cents or more per pound ; ladder tapes ; badminton nets ; and yarns in chief value of cotton containing wool .	30 per cent. <i>ad val.</i>
1001	Flax, not hackled	$\frac{3}{4}$ c. per lb.
1001	Flax, hackled, including " dressed line "	$1\frac{1}{2}$ c. per lb.
1001	Flax tow and flax noils	$\frac{1}{2}$ c. per lb.
1003	Twist, twine, and cordage, bleached, dyed, or otherwise treated, composed of two or more jute yarns or rovings twisted together, the size of the single yarn or roving of which is— Coarser than twenty-pound Twenty-pound up to but not including ten-pound Ten-pound up to but not including five-pound Five-pound and finer <i>Provided</i> , That no article assessed with duty under this item shall be subject to a separate additional duty under paragraph 1003 of the Tariff Act, 1930.	4 $\frac{1}{2}$ c. per lb. 6 c. per lb. 7 $\frac{1}{2}$ c. per lb. 10 c. per lb.
1004 (a)	Single yarns, of flax : Not finer than sixty lea Finer than sixty lea	25 per cent. <i>ad val.</i> 15 per cent. <i>ad val.</i>
1004 (b)	Threads, twines, and cords, composed of two or more yarns of flax twisted together	30 per cent. <i>ad val.</i>
1006	Gill nettings, nets, webs, and seines, and other nets for fishing, not specially provided for : Wholly or in chief value of flax and valued at more than \$1 per pound Wholly or in chief value of hemp and valued at more than 60 cents per pound	30 per cent. <i>ad val.</i> 30 per cent. <i>ad val.</i>
1008	Woven fabrics, wholly of jute, not specially provided for : Not bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable Bleached, printed, stenciled, painted, dyed, colored, or rendered non-inflammable	1 c. per lb. 1 c. per lb. and 10 per cent. <i>ad val.</i>
1009 (a)	Woven fabrics, not including articles finished or unfinished, wholly or in chief value of flax (except such as are commonly used as paddings or interlinings in clothing), exceeding thirty and not exceeding one hundred threads to the square inch, counting the warp and filling, weighing not less than four and not more than twelve ounces per square yard, and exceeding twelve inches but not exceeding thirty-six inches in width	50 per cent. <i>ad val.</i>

United States
Tariff Act of
1930.

Paragraph
1009 (b)

	Description of Article.	Rate of Duty.
	Woven fabrics, such as are commonly used for paddings or interlinings in clothing : Wholly or in chief value of flax, or hemp, or of which these substances or either of them is the component material of chief value, exceeding thirty and not exceeding one hundred and twenty threads to the square inch, counting the warp and filling, and weighing not less than four and one-half and not more than twelve ounces per square yard	30 per cent. <i>ad val.</i>
	Wholly or in chief value of jute, exceeding thirty threads to the square inch, counting the warp and filling, and weighing not less than four and one-half ounces and not more than twelve ounces per square yard	30 per cent. <i>ad val.</i>
1010	Woven fabrics, not including articles finished or unfinished, of flax, hemp, ramie, or other vegetable fiber, except cotton, or of which these substances or any of them is the component material of chief value, not specially provided for	20 per cent. <i>ad val.</i>
1011	Plain-woven fabrics, not including articles finished or unfinished, wholly or in chief value of flax, hemp, ramie, or other vegetable fiber, except cotton, weighing less than four ounces per square yard	20 per cent. <i>ad val.</i>
1013	Table damask, wholly or in chief value of flax, and all articles, finished or unfinished, made or cut from such damask : Not exceeding one hundred and thirty threads to the square inch, counting the warp and filling Exceeding one hundred and thirty threads to the square inch, counting the warp and filling	30 per cent. <i>ad val.</i> 25 per cent. <i>ad val.</i>
1014	Towels, finished or unfinished, wholly or in chief value of flax : Not exceeding one hundred and twenty threads to the square inch, counting the warp and filling Exceeding one hundred and twenty threads to the square inch, counting the warp and filling	50 per cent. <i>ad val.</i> 20 per cent. <i>ad val.</i>
1014	Napkins, finished or unfinished, wholly or in chief value of flax : Not exceeding one hundred and thirty threads to the square inch, counting the warp and filling Exceeding one hundred and thirty threads to the square inch, counting the warp and filling	30 per cent. <i>ad val.</i> 25 per cent. <i>ad val.</i>
1014	Sheets and pillowcases, wholly or in chief value of flax, hemp, or ramie, or of which these substances or any of them is the component material of chief value	25 per cent. <i>ad val.</i>

United States
Tariff Act of
1930.

Paragraph

Description of Article.

Rate of Duty.

1016	Handkerchiefs, wholly or in chief value of vegetable fiber, except cotton, finished or unfinished : Not hemmed	20 per cent. <i>ad val.</i>
	Hemmed or hemstitched, or unfinished having drawn threads (but not including handkerchiefs made with hand rolled or hand made hems)	35 per cent. <i>ad val.</i>
1017	Shirt collars and cuffs, wholly or in part of flax	20 c. per doz. and 5 per cent. <i>ad val.</i>
1019	Bagging for cotton, gunny cloth, and similar fabrics, suitable for covering cotton, composed of single yarns made of jute, jute butts, or other vegetable fiber, not bleached, dyed, colored, stained, painted, or printed, not exceeding sixteen threads to the square inch, counting the warp and filling, and weighing more than thirty-two ounces per square yard	3/10 c. per lb.
1020	Linoleum, including mats and rugs : Inlaid	32 per cent. <i>ad val.</i>
	Other, including corticine and cork carpet	25 per cent. <i>ad val.</i>
1021	Felt-base floor coverings, not specially provided for	25 per cent. <i>ad val.</i>
1105 (a) and (b)	Wool and hair wastes : Top waste, slubbing waste, roving waste, and ring waste	34 c. per lb.
	Garnetted waste	18 c. per lb.
	Noils, carbonized	21 c. per lb.
	Noils, not carbonized	16 c. per lb.
	Thread or yarn waste	15 c. per lb.
	Card or burr waste, carbonized	18 c. per lb.
	Card or burr waste, not carbonized	14 c. per lb.
	Wool wastes not specially provided for	14 c. per lb.
	Shoddy, and wool extract	14 c. per lb.
	Mungo	9 c. per lb.
	Wool rags	9 c. per lb.
	Flocks	5 c. per lb.
1106	Wool, and hair of the kinds provided for in Schedule 11 of the Tariff Act of 1930, if carbonized, or advanced in any manner or by any process of manufacture beyond the washed or scoured condition, including tops, but not further advanced than roving	37 c. per lb. and 12½ per cent. <i>ad val.</i>
1107	Yarn, wholly or in chief value of wool, other than Angora rabbit hair : Valued at not more than 60 cents per pound	30 c. per lb. and 30 per cent. <i>ad val.</i>
	Valued at more than 60 cents but not more than \$1 per pound	36 c. per lb. and 30 per cent. <i>ad val.</i>
	Valued at more than \$1 but not more than \$1.50 per pound	40 c. per lb. and 30 per cent. <i>ad val.</i>
	Valued at more than \$1.50 per pound	40 c. per lb. and 30 per cent. <i>ad val.</i>

United States
Tariff Act of
1930.
Paragraph

1108

Woven fabrics, weighing not more than four ounces per square yard, wholly or in chief value of wool, except fabrics having the warp wholly of cotton or other vegetable fiber:

Valued at not more than \$1.25 per pound

50 c. per lb. and
37½ per cent. *ad val.*

Valued at more than \$1.25 but not more than \$2 per pound

50 c. per lb. and
37½ per cent. *ad val.*

Valued at more than \$2 per pound

50 c. per lb. and
37½ per cent. *ad val.*

1108

Woven fabrics, weighing not more than four ounces per square yard, wholly or in chief value of wool, and having the warp wholly of cotton or other vegetable fiber:

Valued at not more than \$1 per pound

40 c. per lb. and
37½ per cent. *ad val.*

Valued at more than \$1 but not more than \$1.50 per pound

40 c. per lb. and
37½ per cent. *ad val.*

Valued at more than \$1.50 per pound

40 c. per lb. and
37½ per cent. *ad val.*

1109 (a)

Woven fabrics, weighing more than four ounces per square yard, wholly or in chief value of wool (except woven green billiard cloths, in the piece, weighing more than eleven ounces but not more than fifteen ounces per square yard, wholly of wool):

Valued at not more than 80 cents per pound

40 c. per lb. and
45 per cent. *ad val.*

Valued at more than 80 cents but not more than \$1.25 per pound

50 c. per lb. and
40 per cent. *ad val.*

Valued at more than \$1.25 but not more than \$2 per pound

50 c. per lb. and
40 per cent. *ad val.*

Valued at more than \$2 per pound

50 c. per lb. and
35 per cent. *ad val.*

1109 (b)

Felts, belts, blankets, jackets, or other articles of machine clothing, for paper-making, printing, or other machines, when woven, wholly or in chief value of wool, as units or in the piece, finished or unfinished:

Valued at not more than \$1.25 per pound

50 c. per lb. and
25 per cent. *ad val.*

Valued at more than \$1.25 but not more than \$2 per pound

50 c. per lb. and
27½ per cent. *ad val.*

Valued at more than \$2 per pound

50 c. per lb. and
30 per cent. *ad val.*

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1110

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1112

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1114 (b)

1114 (b)

1114 (c)

1114 (d)

Description of Article.

Rate of Duty.

Pile fabrics, whether or not the pile covers the entire surface, wholly or in chief value of wool, and all articles, finished or unfinished, made or cut from such pile fabrics:

If the pile is wholly cut or wholly uncut

44 c. per lb. and
40 per cent. *ad val.*

If the pile is partly cut

44 c. per lb. and
40 per cent. *ad val.*

Blankets, and similar articles (including carriage and automobile robes and steamer rugs), made as units or in the piece, finished or unfinished, wholly or in chief value of wool, not exceeding three yards in length:

Valued at not more than \$1 per pound

30 c. per lb. and
36 per cent. *ad val.*

Valued at more than \$1, but not more than \$1.50 per pound

33 c. per lb. and
36 per cent. *ad val.*

Valued at more than \$1.50 per pound

40 c. per lb. and
36 per cent. *ad val.*

Felts, not woven, wholly or in chief value of wool:

Valued at not more than \$1.50 per pound

30 c. per lb. and
30 per cent. *ad val.*

Valued at more than \$1.50 per pound

40 c. per lb. and
35 per cent. *ad val.*

Fabrics, with fast edges, not exceeding twelve inches in width, and articles made therefrom; tubings, garters, suspenders, braces, cords, and cords and tassels; all the foregoing, wholly or in chief value of wool

50 c. per lb. and
40 per cent. *ad val.*

Hose and half-hose, finished or unfinished, wholly or in chief value of wool:

Valued at more than \$1.75, but not more than \$3 per dozen pairs

50 c. per lb. and
35 per cent. *ad val.*

Valued at more than \$3 per dozen pairs

50 c. per lb. and
25 per cent. *ad val.*

Gloves and mittens, finished or unfinished, wholly or in chief value of wool, valued at more than \$3.50 per dozen pairs

50 c. per lb. and
40 per cent. *ad val.*

Knit underwear, finished or unfinished, wholly or in chief value of wool:

Valued at not more than \$1.75 per pound

40 c. per lb. and
30 per cent. *ad val.*

Valued at more than \$1.75 per pound

50 c. per lb. and
30 per cent. *ad val.*

Outerwear and articles of all kinds, knit or crocheted, finished or unfinished, wholly or in chief value of wool, and not specially provided for (except hats, bonnets, caps, berets, and similar articles):

Infants' outerwear valued at more than \$2 per pound:

made or out from Jersey fabric knit in plain stitch on a circular machine

50 c. per lb. and
25 per cent. *ad val.*

Other

50 c. per lb. and
50 per cent. *ad val.*

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Paragraph

1114 (d)

(contd.)

Description of Article.

Rate of Duty.

	Outerwear and articles, etc. (contd): Other than infants' outerwear: Valued at more than \$2 but not more than \$5 per pound . . .	50 c. per lb. and 40 per cent. <i>ad val.</i>
	Valued at more than \$5 per pound . . .	50 c. per lb. and 30 per cent. <i>ad val.</i>
1115 (a)	Clothing and articles of wearing apparel of every description, not knit or crocheted, manufactured wholly or in part, wholly or in chief value of wool (except hats, bonnets, caps, berets, and similar articles, and except bodies, hoods, forms, and shapes for hats, bonnets, caps, berets, and similar articles): Valued at not more than \$4 per pound . . . Valued at more than \$4 per pound . . .	33 c. per lb. and 30 per cent. <i>ad val.</i> 50 c. per lb. and 30 per cent. <i>ad val.</i>
1115 (b)	Bodies, hoods, forms, and shapes, for hats, bonnets, caps, berets, and similar articles, wholly or in chief value of wool but not knit or crocheted nor made in chief value of knit, crocheted, or woven material, if blocked or trimmed (including finished hats, bonnets, caps, berets, and similar articles), and valued at more than \$12 per dozen . . .	40 c. per lb. and 40 per cent. <i>ad val.</i> and in addition 8 c. per article.
1116 (b)	Carpets, rugs, and mats, of oriental weave or weaves, made on a power-driven loom; chenille Axminster carpets, rugs, and mats; all the foregoing, plain or figured, whether woven as separate carpets, rugs, or mats, or in rolls of any width . . .	40 per cent. <i>ad val.</i>
1117 (a)	Axminster carpets, rugs, and mats, not specially provided for; Wilton carpets, rugs, and mats; Brussels carpets, rugs, and mats; velvet or tapestry carpets, rugs, and mats; and carpets, rugs, and mats, of like character or description; all the foregoing, if valued at more than 40 cents per square foot . . .	40 per cent. <i>ad val.</i>
1117 (c)	Floor coverings, including mats and druggets, wholly or in chief value of hair of the Angora goat, not specially provided for: Valued at not more than 40 cents per square foot . . . Valued at more than 40 cents per square foot . . .	30 per cent. <i>ad val.</i> 40 per cent. <i>ad val.</i>
1119	Tapestries and upholstery goods (not including pile fabrics), in the piece or otherwise, wholly or in chief value of wool . . .	Subject to applicable rates of duty imposed upon woven fabrics of wool in item 1108 or 1109 (a) of this Schedule.
1120	Cloth, samples measuring not more than one hundred and four square inches in area, wholly or in chief value of wool, not specially provided for . . .	25 per cent. <i>ad val.</i>

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	Garters, suspenders, and braces, wholly or in chief value of silk or of silk and India rubber, and not specially provided for, whether or not Jacquard-figured	35 per cent. <i>ad val.</i>
1209	Handkerchiefs, and woven mufflers, wholly or in chief value of silk, finished or unfinished, valued at more than \$5 per dozen : Not hemmed : If block-printed by hand Other Hemmed or hemstitched : If block-printed by hand Other	 30 per cent. <i>ad val.</i> 40 per cent. <i>ad val.</i> 35 per cent. <i>ad val.</i> 45 per cent. <i>ad val.</i>
1402	Sheathing paper, roofing paper, deadening felt, sheathing felt, roofing felt or felt roofing, whether or not saturated or coated.	10 per cent. <i>ad val.</i>
1404	Papers commonly or commercially known as stereotype paper, carbon paper, coated or uncoated, and pottery paper; any of the foregoing colored or uncolored, white or printed : Weighing not over six pounds to the ream, and whether in sheets or any other form, valued at more than 15 cents per pound Weighing over six pounds and less than ten pounds to the ream, valued at more than 15 cents per pound	 4 c. per lb. and 15 per cent. <i>ad val.</i> 4 c. per lb. and 10 per cent. <i>ad val.</i>
1404	India and bible paper weighing ten pounds or more and less than twenty and one-half pounds to the ream	2 c. per lb. and 10 per cent. <i>ad val.</i>
1405	Simplex decalcomania paper not printed	2½ c. per lb. and 10 per cent. <i>ad val.</i>
1405	All boxes of paper or papier-mâché or wood covered or lined with paper and provided for in paragraph 1405 of the Tariff Act of 1930, but not including boxes covered or lined with cotton or other vegetable fiber	5 c. per lb. and 10 per cent. <i>ad val.</i>
1405	Unsensitized basic paper, to be sensitized for use in photography	5 per cent. <i>ad val.</i>
1406	Pictures, calendars, cards, placards, and other articles, composed wholly or in chief value of paper lithographically printed in whole or in part from stone, gelatin, metal, or other material (except boxes, views of American scenery or objects, and music, and illustrations when forming part of a periodical or newspaper, or of bound or unbound books, accompanying the same), not specially provided for in paragraph 1406 or elsewhere in the Tariff Act of 1930, exceeding twenty one-thousands of one inch in thickness, and valued at more than 35 cents per pound	6 c. per lb.
1407 (a)	Hand made paper, and paper commonly or commercially known as hand made or machine hand made paper, all the above weighing 8 pounds or over per ream, and valued at 50 cents or more per pound	2 c. per lb. and 10 per cent. <i>ad val.</i>

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Rate of Duty.

1407 (a)	Drawing paper, whether made by hand or machine, weighing 8 pounds or over per ream, and valued at 40 cents or more per pound	2 c. per lb. and 10 per cent. <i>ad val.</i>
1408	Paper envelopes, filled or unfilled, whether the contents are dutiable or free, not specially provided for	The same rate of duty as the paper from which made and in addition thereto :
	If plain	2 1/2 per cent. <i>ad val.</i>
	If bordered, embossed, printed, tinted, decorated, or lined	5 per cent. <i>ad val.</i>
	If lithographed	15 per cent. <i>ad val.</i>
1409	Hanging paper, printed, lithographed, dyed, or colored	1 c. per lb. and 10 per cent. <i>ad val.</i>
1409	Blotting paper	15 per cent. <i>ad val.</i>
1409	Filtering paper, valued at 75 cents or more per pound	2 1/2 c. per lb. and 7 1/2 per cent. <i>ad val.</i>
1410	Unbound books of all kinds, bound books of all kinds except those bound wholly or in part in leather, sheets or printed pages of books bound wholly or in part in leather, pamphlets, music in books or sheets, and printed matter, all the foregoing not specially provided for (except unbound or bound prayer books and sheets or printed pages of prayer books; except tourist literature containing historical, geographic, time table, travel, hotel, or similar information, chiefly with respect to places or travel facilities outside the continental United States; and except diaries):	
	If of <i>bona fide</i> foreign authorship	7 1/2 per cent. <i>ad val.</i>
	All other	20 per cent. <i>ad val.</i>
1410	Blank books, slate books, engravings, maps, and charts, not specially provided for (except diaries, notebooks, and address books)	20 per cent. <i>ad val.</i>
1410	Book bindings wholly or in part of leather, not specially provided for	15 per cent. <i>ad val.</i>
1412	Playing cards	10 c. per pack and 10 per cent. <i>ad val.</i>
1501 (a)	Yarn, slivers, rovings, wick, rope, cord, cloth, tape, and tubing, of asbestos, or of asbestos and any other spinnable fiber, with or without wire, and all manufactures of any of the foregoing	20 per cent. <i>ad val.</i>
1501 (b)	Molded, pressed, or formed articles, in part of asbestos, containing any binding agent, coating, or filler, other than hydraulic cement or synthetic resin	20 per cent. <i>ad val.</i>
1502	Lawn-tennis and table-tennis balls and golf balls	20 per cent. <i>ad val.</i>
1502	Footballs and other balls, finished or unfinished, not specially provided for, primarily designed for use in physical exercise (whether or not such exercise involves the element of sport), except balls wholly or in chief value of rubber	20 per cent. <i>ad val.</i>

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1502	Field-hockey sticks and guards, polo mallets, table-tennis bats, croquet mallets, golf clubs, soccer guards, and tennis nets.	20 per cent. <i>ad val.</i>
1502	Golf tees	15 per cent. <i>ad val.</i>
1504 (b) (4)	Hats, bonnets, and hoods, composed wholly or in chief value of straw, if sewed and blocked or trimmed, and valued at \$15 or more per dozen	\$2 per doz. and 30 per cent. <i>ad val.</i>
1506	Toilet brushes, ornamented, mounted, or fitted with gold, silver, or platinum, or wholly or partly plated with gold, silver, or platinum, whether or not enameled	30 per cent. <i>ad val.</i>
1506	Brushes, the handles or backs of which are composed wholly or in chief value of products other than those provided for in paragraph 31 of the Tariff Act of 1930 : Tooth brushes valued at more than 12 cents each	1 c. each and 25 per cent. <i>ad val.</i>
	Other toilet brushes valued at more than 40 cents each	1 c. each and 25 per cent. <i>ad val.</i>
1506	Hair pencils in quills or otherwise	2 c. each, but not less than 20 nor more than 40 per cent. <i>ad val.</i>
1510	Buttons, not specially provided for : Horn and composition horn	35 per cent. <i>ad val.</i>
1513	Toys, not specially provided for : Figures or images of animate objects, not having any movable member or part, wholly or in chief value of metal and valued at 21 cents or more per pound ; figures or images of animate objects, having any movable member or part but not having a spring mechanism, wholly or in chief value of metal and valued at 30 cents or more per pound ; model airplane construction sets, wholly or in chief value of metal, valued at 75 cents or more each ; construction sets (other than model airplane construction sets), wholly or in chief value of metal, valued at 30 cents or more per pound ; stuffed animal figures not having a spring mechanism, not over six inches in height and valued at 35 cents or more each, or over six inches but not over eleven inches in height and valued at \$ 1 or more each, or over eleven inches but not over fourteen inches in height and valued at \$ 2 or more each, or over fourteen inches in height and valued at \$ 3.50 or more each ; and building blocks or bricks, valued at 8 cents or more per pound	45 per cent. <i>ad val.</i>

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Rate of Duty.

1514	Emery wheels, emery files, and manufactures of which emery, corundum, garnet or artificial abrasive is the component material of chief value, not specially provided for (except wheels in chief value of corundum or silicon carbide)	10 per cent. <i>ad val.</i>
1518	Boas, boutonnieres, wreaths, and all articles not specially provided for, composed wholly or in chief value of any of the feathers mentioned in the duty provisions of paragraph 1518 of the Tariff Act of 1930	40 per cent. <i>ad val.</i>
1519 (a)	Dressed furs and dressed fur skins (except silver or black fox, coney, rabbit, hare, dog, goat, kid, and fur sealskins, and not including plates, mats linings, strips, and crosses of dressed dog, goat, or kidskins) All the foregoing, if dyed	15 per cent. <i>ad val.</i> 20 per cent. <i>ad val.</i>
1523	Human hair tops, roving and yarns, of which human hair is the component material of chief value	3 c. per lb. and 12 1/2 per cent. <i>ad val.</i>
1523	Press cloth, of which human hair is the component material of chief value	4 c. per lb. and 30 per cent. <i>ad val.</i>
1523	Press cloth, of which camel's hair is the component material of chief value	20 per cent. <i>ad val.</i> but not less than 15 c. per lb.
1523	Hair press cloth, not specially provided for	30 per cent. <i>ad val.</i>
1526 (a)	Hats, caps, bonnets, and hoods, trimmed or untrimmed, including bodies, hoods, plateaux, forms, or shapes, for hats or bonnets, composed wholly or in chief value of fur of the rabbit, beaver, or other animals: For men's or boys' wear, valued at more than \$48 per dozen For women's or girls' wear, valued at more than \$18 and not more than \$48 per dozen	\$16 per doz. and 15 per cent. <i>ad val.</i> 50 per cent. <i>ad val.</i>
1526 (b)	Men's silk or opera hats, in chief value of silk	\$1 each and 40 per cent. <i>ad val.</i>
1527 (c) (2)	Cigar and cigarette lighters, designed to be worn on apparel or carried on or about or attached to the person, finished or unfinished, composed wholly or in chief value of metal other than gold or platinum (whether or not enameled, washed, covered, or plated, including rolled gold plate), or (if not composed in chief value of metal and if not dutiable under clause (1) of sub-paragraph (c) of paragraph 1527 of the Tariff Act of 1930) set with and in chief value of precious or semiprecious stones, pearls, cameos, coral, amber, imitation precious or semiprecious stones, or imitation pearls, and valued above \$5. per dozen	1/2 c. each and 3/10 c. per doz. for each 1 c. the value exceeds 20 c. per doz., and 25 per cent. <i>ad val.</i>

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1529 (a)	<p>Nets and nettings made on the bobbinet machine, not embroidered :</p> <p>Wholly or in chief value of cotton and having two hundred and twenty-five or more holes per square inch</p> <p>Wholly or in chief value of silk</p> <p>Wholly or in chief value of rayon or other synthetic textile</p>	<p>45 per cent. <i>ad val.</i></p> <p>60 per cent. <i>ad val.</i></p> <p>65 per cent. <i>ad val.</i></p>
1529 (a)	<p>Hose and half-hose wholly or in chief value of wool, embroidered in any manner :</p> <p>Valued at not more than \$3.50 per dozen pairs</p> <p>Valued at more than \$3.50 per dozen pairs</p>	<p>65 per cent. <i>ad val.</i></p> <p>50 per cent. <i>ad val.</i></p>
1530 (b)	<p>Leather (except leather provided for in subparagraph (d) of paragraph 1530 of the Tariff Act of 1930), made from hides or skins of cattle of the bovine species :</p> <p>(1) Sole or belting leather (including offal), rough, partly finished, finished, curried, or cut or wholly or partly manufactured into outer or inner soles, blocks, strips, counters, taps, box toes, or any forms or shapes suitable for conversion into boots, shoes, footwear, or belting</p> <p>(2) Leather welting</p> <p>(3) Leather to be used in the manufacture of harness or saddlery</p> <p>(4) Side upper leather (including grains and splits), and lining leather made from calf or kip skins, rough, partly finished, or finished, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear (not including patent leather or calf or kip leather other than lining leather):</p> <p>Side upper splits, wax or rough, not cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear</p> <p>Other</p> <p>(5) Collar, bag, case, glove, garment, or strap leather, in the rough in the white, crust, or russet, partly finished or finished</p> <p>(6) Leather to be used in the manufacture of footballs, basket balls, soccer balls, or medicine balls</p> <p>(7) All other, rough, partly finished, finished, or curried, not specially provided for</p>	<p>10 per cent. <i>ad val.</i></p> <p>10 per cent. <i>ad val.</i></p> <p>10 per cent. <i>ad val.</i></p> <p>10 per cent. <i>ad val.</i></p> <p>10 per cent. <i>ad val.</i></p> <p>12½ per cent. <i>ad val.</i></p> <p>15 per cent. <i>ad val.</i></p> <p>15 per cent. <i>ad val.</i></p> <p>10 per cent. <i>ad val.</i></p>
1530 (c)	<p>Leather (except leather provided for in subparagraph (d) of paragraph 1530 of the Tariff Act of 1930), in the rough in the</p>	

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1930.

Paragraph

1530 (c)

Description of Article.

Rate of Duty.

Leather &c. (*contd.*):

white, crust, or russet, partly finished, or finished:

If made from sheep or lamb skins:

Imported to be used in the manufacture of boots, shoes, or footwear, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear

10 per cent. *ad val.*

Other, not including chamois

20 per cent. *ad val.*

If made from goat or kid skins, and not imported to be used in the manufacture of boots, shoes, or footwear, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear

20 per cent. *ad val.*

If made from reptile skins or shark skins, and imported to be used in the manufacture of boots, shoes, or footwear, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear

10 per cent. *ad val.*

Pigskin leather:

If imported to be used in the manufacture of boots, shoes, or footwear, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear

10 per cent. *ad val.*

Other

12 1/2 per cent. *ad val.*

Glove and garment leather made from hides or skins of animals (including fish, reptiles, and birds, but not including sheep, lambs, goats, kids, pigs, hogs, or cattle of the bovine species), not imported to be used in the manufacture of boots, shoes, or footwear, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear

15 per cent. *ad val.*

Rough-tanned walrus leather, not imported to be used in the manufacture of boots, shoes, or footwear, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear

15 per cent. *ad val.*

1530 (c)

Vegetable-tanned rough leather made from goat or sheep skins (including those commercially known as India-tanned goat or sheep skins)

10 per cent. *ad val.*

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Description of Article.

Rate of Duty.

Paragraph

1530 (d)

Leather made from hides or skins of cattle of the bovine species, grained, printed, embossed, ornamented, or decorated, in any manner or to any extent (including leather finished in gold, silver, aluminium, or like effects), or by any other process (in addition to tanning) made into fancy leather, and any of the foregoing cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, all the foregoing by whatever, name known, and to whatever use applied

20 per cent. *ad val.*

1530 (e)

Boots, shoes, or other footwear (including athletic or sporting boots and shoes), made wholly or in chief value of leather by the process or method known as welt, and not specially provided for

50 c. per pair, but
not less than 10 nor
more than 20 per
cent. *ad val.*

1530 (f)

Harness valued at more than \$70 per set, single harness valued at more than \$40 saddles valued at more than \$40 each, saddlery, and parts (except metal parts) for any of the foregoing

20 per cent. *ad val.*

1530 (f)

Saddles made wholly or in part of pigskin or imitation pigskin

20 per cent. *ad val.*

1530 (f)

Saddles and harness, not specially provided for, and parts thereof, except metal parts, finished or unfinished

15 per cent. *ad val.*

1531

Bags, baskets, belts, satchels, cardcases, pocketbooks, jewel boxes, portfolios, and other boxes and cases, not jewelry, wholly or in chief value of leather or parchment, and manufactures of leather, rawhide, or parchment, or of which leather, rawhide, or parchment is the component material of chief value, not specially provided for (not including coin purses, change purses, billfolds, bill cases, bill rolls, bill purses, banknote cases, currency cases, money cases, card cases, licence cases, pass cases, passport cases, letter cases, and similar flat leather goods):

Leads, leashes, collars, muzzles, and similar dog equipment

20 per cent. *ad val.*

Belts and buckles designed to be worn on the person

17 1/2 per cent. *ad val.*

Other articles

25 per cent. *ad val.*

Any of the foregoing permanently fitted and furnished with travelling, bottle, drinking, dining or luncheon, sewing, manicure, or similar sets

35 per cent. *ad val.*

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Paragraph
1532 (a)

	Description of Article.	Rate of Duty.
	Men's gloves, wholly or in chief value of leather, whether wholly or partly manufactured, and not over twelve inches in length	\$4.50 per doz. prs.
	For each inch or fraction thereof in excess of twelve inches	25 c. per doz. prs.
	<i>Provided</i> , That, in addition thereto, on all the foregoing there shall be paid each of the following cumulative duties :	
	When machine seamed, otherwise than overseamed	50 c. per doz. prs.
	When seamed by hand	\$2.50 per doz. prs.
	When lined with cotton, wool, silk, or other fabrics	\$ 1.75 per doz. prs.
	When trimmed with fur	\$ 2.00 per doz. prs.
	When lined with leather or fur	\$ 2.50 per doz. prs.
	<i>Provided further</i> , That all the foregoing shall be dutiable at not less than	30 per cent. <i>ad val.</i>
1532 (a)	Women's and children's gloves, wholly or in chief value of leather, lined, or trimmed with fur, and not over twelve inches in length :	
	When seamed by hand	\$4 per doz. prs.
	When not seamed by hand	\$5 per doz. prs.
	For each inch or fraction thereof in excess of twelve inches	25 c. per doz. prs.
	<i>Provided</i> , That, in addition thereto, on all the foregoing there shall be paid each of the following cumulative duties :	
	When machine seamed, otherwise than overseamed	\$1 per doz. prs.
	When seamed by hand	\$3.50 per doz. prs.
	When lined with cotton, wool, silk, or other fabrics	\$2 per doz. prs.
	When trimmed with fur	\$2 per doz. prs.
	When lined with leather or fur	\$2.50 per doz. prs.
	<i>Provided further</i> , That all the foregoing shall be dutiable at not less than	35 per cent. <i>ad val.</i>
1532 (b)	Gloves wholly or in chief value of leather made, from horsehides or cowhides (except calfskins), whether wholly or partly manufactured	15 per cent. <i>ad val.</i>
1535	Artificial flies and snelled hooks, finished or unfinished	45 per cent. <i>ad val.</i>
1535	Leaders or casts, finished or unfinished, valued at \$2 or more per dozen	35 per cent. <i>ad val.</i>
1535	Fishing rods valued at \$10 or more each, and reels valued at \$3.50 or more each, finished or unfinished, not specially provided for	30 per cent. <i>ad val.</i>
1537 (a)	Manufactures wholly or in chief value of whalebone, not specially provided for	12 1/2 per cent. <i>ad val.</i>
1537 (b)	Golf-ball centres or cores, wound or unwound, wholly or in chief value of India rubber or gutta-percha	15 per cent. <i>ad val.</i>

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Description of Article.

Rate of Duty.

1537 (b)	Manufactures composed wholly or in chief value of India rubber known as "hard rubber" (except syringes), not specially provided for, finished or unfinished . . .	25 per cent. <i>ad val.</i>
1541 (a)	Musical instruments not specially provided for : Sets of tuned bells of the types known as chimes or peals, and parts of any of the foregoing . . .	30 per cent. <i>ad val.</i>
1541 (c)	Carillons containing not more than thirty-four bells, and parts thereof . . .	20 per cent. <i>ad val.</i>
	Carillons containing more than thirty-four bells, and parts thereof . . .	10 per cent. <i>ad val.</i>
1542	Phonograph, gramophone, or graphophone records, not specially provided for . . .	15 per cent. <i>ad val.</i>
1545	Sponges : Commercially known as yellow, grass, or velvet . . .	15 per cent. <i>ad val.</i>
	Hardhead or reef . . .	7 1/2 per cent. <i>ad val.</i>
1547 (a)	Paintings, in oil or water colors, pastels, pen and ink drawings, and copies, replicas, or reproductions of any of the same, all the foregoing which are works of art, not specially provided for . . .	15 per cent. <i>ad val.</i>
1552	Common tobacco pipes and pipe bowls made wholly of clay, valued at more than 40 cents per gross . . .	22 1/2 per cent. <i>ad val.</i>
1552	Tobacco pipe bowls, wholly or in chief value of brier or other wood or root, in whatever condition of manufacture, whether bored or unbored and tobacco pipes having such bowls (except tobacco pipes, wholly finished, having bowls wholly or in chief value of brier-wood, valued at less than \$1.20 per dozen) : Valued at less than \$1.20 per dozen . . .	2 1/2 c. each and 40 per cent. <i>ad val.</i>
	Valued at \$1.20 or more, but not more than \$5 per dozen . . .	5 c. each and 50 per cent. <i>ad val.</i>
	Valued at more than \$5 per dozen . . .	2 1/2 c. each and 40 per cent. <i>ad val.</i>
1552	Cigar and cigarette holders, not specially provided for, in whatever condition of manufacture, whether wholly or partly finished, or whether bored or unbored . . .	5 c. each and 30 per cent. <i>ad val.</i>
1552	Mouthpieces for pipes, or for cigar and cigarette holders, of whatever material composed, and in whatever condition of manufacture, whether wholly or partly finished, or whether bored or unbored . . .	2 1/2 c. each and 30 per cent. <i>ad val.</i>
1552	Pouches for chewing or smoking tobacco, finished or partly finished, wholly or in chief value of leather . . .	35 per cent. <i>ad val.</i>
1552	Cases suitable for pipes, or for cigar or cigarette holders, finished or partly finished . . .	30 per cent. <i>ad val.</i>
1552	Cigar and cigarette cases and parts thereof, finished or unfinished, not specially provided for, wholly or in chief value of leather . . .	35 per cent. <i>ad val.</i>

United States
Tariff Act of
1930.

Paragraph

Description of Article.

Rate of Duty.

1554	Walking canes, valued at \$5 or more per dozen, finished or unfinished	25 per cent. <i>ad val.</i>
1555	Waste, not specially provided for	7 1/2 per cent. <i>ad val.</i>
1606 (a) and (b)	Dogs and horses imported by a citizen of the United States specially for breeding purposes	Free, subject to the provisions of paragraph 1606 (a) and (b), Tariff Act of 1930.
1609	Annatto and extracts thereof, not containing alcohol	Free.
1612	Arrowroot, crude or manufactured, and arrowroot starch and flour	Free.
1616	Chrysotile asbestos, unmanufactured : Crudes	Free.
1617	Waste bagging, and waste sugar sack cloth . .	Free.
1621	Bibles, comprising the books of the Old or New Testament, or both, bound or unbound	Free.
1628	Books, engravings, photographs, etchings, bound or unbound, maps and charts imported by authority or for the use of the United States or for the use of the Library of Congress	Free.
1629	Hydrographic charts and publications issued for their subscribers or exchanges by scientific or literary associations or academies, and publications of individuals for gratuitous private circulation, not advertising matter, and public documents issued by foreign Governments : books, maps, music, engravings, photographs, etchings, lithographic prints, bound or unbound, and charts, which have been printed more than twenty years at the time of importation <i>Provided, That where any such books have been rebound wholly or in part in leather within such period, the binding so placed upon such books shall be dutiable as book bindings wholly or in part of leather, not specially provided for.</i>	Free.
1631	Any society or institution incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or any college, academy, school, or seminary of learning in the United States, or any State or public library, may import free of duty any book, map, music, engraving, photograph, etching, lithographic print, or chart, for its own use or for the encouragement of the fine arts, and not for sale, under such rules and regulations as the Secretary of the Treasury may prescribe	Free.
1645	Chalk, crude, not ground, bolted, precipitated, or otherwise manufactured	Free.

United States
Tariff Act of
1930.

Description of Article.

Rate of Duty.

Paragraph

1647	Chromite or chrome ore	Free.
1651	Coal-tar products : Acenaphthene, anthracene having a purity of less than 30 per centum, benzene, carbazole having a purity of less than 65 per centum, cumene, cymene, fluorene, methylanthracene, methylnaphthalene, naphthalene which after the removal of all the water present has a solidifying point less than seventy-nine degrees centigrade, pyridine, toluene, xylene, dead or creosote oil, anthracene oil, pitch of coal tar, pitch of blast-furnace tar, pitch of oil-gas tar, pitch of water-gas tar, crude coal tar, crude blast-furnace tar, crude oil-gas tar, crude water-gas tar, all other distillates of any of these tars which on being subjected to distillation yield in the portion distilling below one hundred and ninety degrees centigrade a quantity of tar acids less than 5 per centum of the original distillate, all mixtures of any of these distillates and any of the foregoing pitches, and all other materials or products that are found naturally in coal tar, whether produced or obtained from coal tar or other source, and not specially provided for in paragraph 27 or 28 of Title I of the Tariff Act of 1930	Free.
1653	Cocoa or cacao beans, and shells thereof	Free.
1656	Coir fiber	Free.
1665	Curling stones	Free.
1668	Diamonds, rough or uncut, and not advanced in condition or value from their natural state by cleaving, splitting, cutting, or other process, whether in their natural form or broken, glaziers' and engravers' diamonds, any of the foregoing not set, miners' diamonds, and diamond dust	Free.
1669	Patchouli leaves and dried pawpaw juice or papain, which are in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, and not containing alcohol	Free.
1670	Dyeing or tanning materials : Logwood, and mangrove bark, whether crude or advanced in value or condition by shredding, grinding chipping, crushing, or any similar process, and not containing alcohol	Free.
1681	Furs and fur skins, not specially provided for, undressed : Caracul, ermine, fitch, fox (other than silver or black fox), lamb, kid sheep, goat, marten, monkey, pony, sable, skunk, and squirrel	Free.
1683	Goldbeaters' molds and goldbeaters' skins	Free.
1684	Sisal, not dressed or manufactured in any manner	Free.

United States
Tariff Act of
1930.

Paragraph]

	Description of Article.	Rate of Duty.
1685	Prepared fertilizer mixtures, castor-bean pomace, and nitrogenous materials, all the foregoing used chiefly for fertilizers or chiefly as an ingredient in the manufacture of fertilizers	Free.
1686	Gums and resins: Damar, dragon's blood, and myrrh	Free.
1691	Hides and skins of the India water buffalo imported to be used in the manufacture of rawhide articles	Free.
1692	Hones, whetstones, and grindstones	Free.
1697	India rubber and gutta-percha, crude, including jelutong or pontianak, and gutta siak	Free.
1699	Iridium, osmium, palladium, rhodium, and ruthenium, and native combinations thereof with one another or with platinum	Free.
1701	Ivory tusks in their natural state or cut vertically across the grain only, with the bark left intact	Free.
1710	Asphaltum and bitumen	Free.
1714	Manuscripts, not specially provided for	Free.
1719	Cornwall stone, unmanufactured	Free.
1719	Colombian ores or concentrates, crude, or not advanced in value or condition by refining or grinding, or by other process of manufacture, not specially provided for	Free.
1722	Derris root, and tuba or tube root, crude or unmanufactured, not specially provided for	Free.
1724	Needles, hand sewing or darning	Free.
1725	Nets or finished sections of nets for use in otter trawl fishing, if composed wholly or in chief value of manila	Free.
1726	Newspapers and periodicals, unbound	Free.
1727	Copra, palm nuts, and palm-nut kernels	Free.
1731	Oils, distilled or essential: Cinnamon, citronella, and lime, all the foregoing not containing alcohol	Free.
1732	Expressed or extracted palm-kernel oil, rendered unfit for use as food or for any but mechanical or manufacturing purposes, by such means as shall be satisfactory to the Secretary of the Treasury and under regulations to be prescribed by him	Free.
	NOTE :—No Federal internal tax in excess of the rate of 3 cents per pound now provided for in section 602½ of the Revenue Act of 1934, as amended, shall be imposed in the United States in respect of palm-kernal oil.	
1735	Duplex decalcomania paper not printed	Free.
1736	Parchment and vellum	Free.
1774	Platinum, unmanufactured or in ingots, bars, sheets, or plates not less than one-eighth of one inch in thickness, sponge, or scrap	Free.

United States
Tariff Act of
1930.

Description of Article.

Rate of Duty.

Paragraph

1750	Rag pulp ; paper stock, crude, of every description, including all grasses, fibers, rags, waste (including jute, hemp, and flax waste), shavings, clippings, old paper, rope ends, waste rope, and waste bagging, and all other waste not specially provided for, including old gunny cloth, and old gunny bags, used chiefly for paper making, and no longer suitable for bags	Free.
1759	Sheep dip	Free.
1765	Seal skins (not fur seal skins), raw	Free.
1768 (1)	Spices and spice seeds : Cloves ; cinnamon and cinnamon chips ; ginger root, not preserved or candied ; nutmegs ; and pimento (allspice) ; all of the foregoing, if unground	Free.
1771	Stamps : Postage or revenue stamps, canceled or uncanceled, and Government stamped envelopes or postcards bearing no other printing than the official imprint thereon	Free.
1776	Strontianite or mineral strontium carbonate and celestite or mineral strontium sulphate	Free.
1777	Sulphur in any form	Free.
1782	Locust or carob beans, and pods and seeds thereof	Free.
1783 (b)	Tea not specially provided for	Free.
1786	Tin in bars, blocks or pigs, alloys in chief value of tin not specially provided for, and grain or granulated and scrap tin, including scrap tin plate	Free, subject to the provisions of paragraph 1785, Tariff Act of 1930.
<p><i>Provided, That the Government of the United States of America reserves the right to withdraw the concession hereby granted if at any time after January 1, 1939, an export tax is charged in Nigeria on tin ore and concentrates exported to the United States of America other than or different from any export tax which may at the same time be charged on tin ore and concentrates exported to any part of the British Empire.</i></p>		
1787	Tobacco stems not cut, ground, or pulverised	Free.
1790	Turtles	Free.

United States
Tariff Act of
1930.

Description of Article.

Rate of Duty.

Paragraph

1801	Witherite, crude, unground	Free.
1803 (2)	Mahogany and satinwood, in the log . . .	Free.
1807	Original paintings in oil, mineral, water, or other colors, pastels, original drawings and sketches in pen, ink, pencil, or water colors, artists' proof etchings unbound, and engravings and woodcuts on bound original sculptures or statuary, including not more than two replicas or reproductions of the same	Free.
1810	Stained or painted window glass and stained or painted glass windows which are works of art imported to be used in houses of worship, valued at \$15 or more per square foot, when imported expressly for presentation to an incorporated religious society	Free.
1811	Works of art (except rugs and carpets made after the year 1700), collections in illustration of the progress of the arts, works in bronze, marble, terra cotta, parian, pottery, or porcelain, artistic antiquities, and objects of art of ornamental character or educational value which shall have been produced prior to the year 1830, but the free importation of such objects shall be subject to such regulations as to proof of antiquity as the Secretary of the Treasury may prescribe. Violins, violas, violoncellos, and double basses, of all sizes, made in the year 1800 or prior year	Free.

Revenue Act of
1932,
as amended.

Section

601 (c) (4)
and 630.

Fuel oil derived from petroleum, gas oil derived from petroleum, and all liquid derivatives of crude petroleum; and lubricating oil; and gasoline or other motor fuel; and paraffin and other petroleum wax products; any of the foregoing sold for use as fuel supplies, ships stores, sea stores, or legitimate equipment on vessels of war of the United States or of any foreign nation, or vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions, under regulations prescribed with the approval of the Secretary of the Treasury

Exempt from taxes imposed in Sec. 601 (c) (4) of the Revenue Act of 1932, as amended.

EXCHANGES OF NOTES.

No. 1. RAW MATERIALS.

(a) *Note from the United States Secretary of State to the British Ambassador.*

Excellency :

Washington, November 17, 1938.

I have the honor to propose that, in view of the importance of maintaining conditions favorable to the international exchange of goods, and in order to supplement those provisions of the Trade Agreement signed this day which relate to import and export duties and regulations, the Governments of the United States of America and of the United Kingdom shall respectively give sympathetic consideration to any representations which the other may make with respect to questions concerning access to raw materials.

I have the honor to suggest that this Note and Your Excellency's reply thereto accepting the above proposal shall be regarded as constituting an agreement in this sense.

Accept, &c.

CORDELL HULL.

(b) *Note from the British Ambassador to the United States Secretary of State.*

Your Excellency,

Washington, November 17, 1938.

I have the honor to acknowledge the receipt of your Note of today's date proposing that, in view of the importance of maintaining conditions favourable to the international exchange of goods, and in order to supplement those provisions of the Trade Agreement signed this day which relate to import and export duties and regulations, the Governments of the United Kingdom and of the United States of America shall respectively give sympathetic consideration to any representations which the other may make with respect to questions concerning access to raw materials.

I have the honour in accepting this proposal to confirm that Your Excellency's Note together with this Note in reply shall be regarded as constituting an agreement in the above sense.

I have, &c.

R. C. LINDSAY.

No. 2. ANTI-DUMPING AND COUNTERVAILING DUTIES.

(a) *Note from the United States Secretary of State to the British Ambassador.*

Excellency :

Washington, November 17, 1938.

I have the honor to make the following statement of my understanding of the agreement reached, with reference to certain special duties, between the United States and the United Kingdom Delegations in connexion with the Trade Agreement signed this day :—

These conversations have disclosed a mutual understanding that no anti-dumping duty, or new or additional duty to countervail the payment or bestowal of a bounty or grant, will be imposed on articles the growth, produce or manufacture of any of the territories to which the Trade Agreement applies, without the Government of the United States of America or the Government of the United Kingdom, as the case may be, first having given the other Government, through an informal notice, an opportunity to make representations with respect to the proposed duty. No decision to impose any such duty will be made within thirty days after the date of the informal notice, unless an earlier decision is required by law. Any representations submitted by either Government in response to such a notice will be carefully considered by the other Government.

Accept, &c.

CORDELL HULL.

(b) *Note from the British Ambassador to the United States Secretary of State.*

Your Excellency,

Washington, November 17, 1938.

I have the honor to acknowledge the receipt of your note of today's date containing a statement of Your Excellency's understanding of the agreement reached, with reference to certain special duties, between the United Kingdom and the United States Delegation in connexion with the Trade Agreement signed this day.

These conversations have disclosed a mutual understanding that no anti-dumping duty, or new or additional duty to countervail the payment or bestowal of a bounty or grant, will be imposed on articles the growth, produce or manufacture of any of the territories to which the Trade Agreement applies, without the Government of the United Kingdom or the Government of the United States of America, as the case may be, first having given the other Government, through an informal notice, an opportunity to make representations with respect to the proposed duty. No decision to impose any such duty will be made within thirty days after the date of the informal notice unless an earlier decision is required by law. Any representations submitted by either Government in response to such a notice will be carefully considered by the other Government.

I have the honor to confirm Your Excellency's understanding of the agreement thus reached.

I have, &c.

R. C. LINDSAY.

NO. 3. BRITISH PREFERENCES TO MANDATED TERRITORIES.

(a) *Note from the United States Secretary of State to the British Ambassador.*

Excellency :

Washington, November 17, 1938.

I have the honor to inform you, with reference to the Trade Agreement signed this day that the United States of America, will in the special circumstances, refrain from claiming under the provisions of the Agreement other than Article 3 or the Schedules any advantages now accorded or which may hereafter be accorded by any territories under the sovereignty of His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, or under His Majesty's protection or suzerainty, to which the Trade Agreement applies, to any territory under His Majesty's mandate which is administered as an integral portion of territory under His Majesty's sovereignty or protection or which is joined in a customs union with a territory under His Majesty's sovereignty or protection.

If any territories under His Majesty's sovereignty, protection or suzerainty to which the Agreement applies should become free, except in relation to the United States of America, to grant preferential tariff treatment to Palestine or Trans-Jordan, the Government of the United States of America will give sympathetic consideration to any requests addressed to it for consent to the granting of preferential tariff treatment to particular articles of Palestine or Trans-Jordan origin.

I avail, &c.

CORDELL HULL.

(b) *Note from the British Ambassador to the United States Secretary of State.*

Your Excellency :

Washington, November 17, 1938.

I have the honour to acknowledge the receipt of your Note of today's date informing me, with reference to the Trade Agreement signed this day, that the United States of America will, in the special circumstances, refrain from claiming under the provisions of the Agreement other than Article 3 or the Schedules any advantages now accorded or which may hereafter be accorded by any territories under the sovereignty of His Majesty The King or under His Majesty's protection or suzerainty, to which the Trade Agreement applies, to any territory under His Majesty's mandate which is administered as an integral portion of territory under His Majesty's sovereignty or protection or which is joined in a customs union with a territory under His Majesty's sovereignty or protection.

Your Excellency's Note further states that if any territories under His Majesty's sovereignty, protection or suzerainty to which the Agreement applies should become free, except in relation to the United States of America, to grant preferential tariff treatment to Palestine or Trans-Jordan, the Government of the United States of America will give sympathetic consideration to any requests addressed to it for consent to the granting of preferential tariff treatment to particular articles of Palestine or Trans-Jordan origin.

I have taken note with pleasure of Your Excellency's communication in the above sense.

I have, &c.

R. C. LINDSAY.

NO. 4. TARIFF TREATMENT OF UNITED STATES GOODS IN CERTAIN BRITISH COLONIES, PROTECTORATES AND IN TERRITORIES UNDER MANDATE.

(a) Note from the British Ambassador to the United States Secretary of State.

Your Excellency,

Washington, November 17, 1938.

I have the honour to refer to Article 11 and Schedule III of the Trade Agreement signed this day, relative to the tariff concessions to be accorded to the United States of America by the territories listed in that Schedule; and, in order that the position regarding trade and commerce between the United States of America and certain territories under His Majesty's sovereignty, suzerainty, protection or mandate may be made clear, I have the honour to invite attention to the fact that the United States of America have, by virtue of various conventions and treaties, for many years enjoyed equality of tariff treatment with all other countries, including the United Kingdom, in the following territories among others:—

Kenya
Uganda
Zanzibar
Nyasaland
Tanganyika Territory
The Cameroons under British Mandate
Togoland under British Mandate
Palestine and Trans-Jordan.

The United States of America have for many years also enjoyed equality of tariffs treatment with the United Kingdom and other countries in Aden, Gibraltar, the Straits Settlements and Hong Kong, with the exception that in Gibraltar, the Straits Settlement and Hong Kong preferential tariff treatment is given to tobacco, liquors and wines and spirits. I am instructed to inform you that there is no present intention to extend preferential tariff treatment to additional products in these territories.

Imports from the United States of America into the territories mentioned in the above two paragraphs have amounted in recent years to more than a quarter of the total import trade of the United States of America into the colonies and into territories under His Majesty's suzerainty, protection or mandate.

I. have, &c.

R. C. LINDSAY.

(b) Note from the United States Secretary of State to the British Ambassador.

Excellency:

Washington, November 17, 1938.

I have the honor to acknowledge the receipt of your Note of to-day's date setting out the position with regard to the tariff treatment which is accorded to goods of United States origin in certain territories under His Majesty's sovereignty, suzerainty, protection or mandate.

I note with pleasure Your Excellency's statement that there is no present intention of extending preferential tariff treatment to products in Aden, Gibraltar, the Straits Settlements and Hong Kong in addition to those mentioned in your note.

Accept, &c.

CORDELL HULL.

NO. 5. EXPORT RESTRICTIONS ON RUBBER PLANTS.

(a) Note from the British Ambassador to the United States Secretary of State.

Your Excellency,

Washington, November 17, 1938.

I have the honour to inform you that, as the result of conversations which have taken place in the course of the negotiation of the Trade Agreement signed this day, the Government of the United Kingdom will consult the parties to the International Rubber Regulation Agreement as to the possibility, subject to the main objects of the Agreement as set out in the Preamble thereto not being prejudiced, of amending the Agreement so as to permit the exportation of rubber planting material to countries not parties to it.

I have &c.

R. C. LINDSAY.

(b) *Note from the United States Secretary of State to the British Ambassador.*

Excellency :

Washington, November 17, 1938.

I have the honor to acknowledge the receipt of your Note of to-day's date informing me that, as the result of conversations which have taken place in the course of the negotiation of the Trade Agreement signed this day, the Government of the United Kingdom will consult the parties to the International Rubber Regulation Agreement as to the possibility, subject to the main objects of the Agreement as set out in the Preamble thereto not being prejudiced, of amending the Agreement so as to permit the exportation of rubber planting material to countries not parties to it.

I have taken note with pleasure of Your Excellency's communication in the above sense.

Accept, &c.

CORDELL HULL.

NO. 6. APPLES AND CITRUS FRUITS.

(a) *Note from the United States Secretary of State to the British Ambassador.*

Excellency :

Washington, November 17, 1938.

During the course of the negotiation of the Trade Agreement signed this day, it has been explained that the fruit growers of certain parts of the British Commonwealth of Nations, together with the United Kingdom producers, have for some time past cooperated in an organization called the Empire Fruits Council, which has made arrangements concerning the shipment of apples to the United Kingdom market from overseas, with the object of maintaining a stable and remunerative market in the interests of all concerned and of avoiding, so far as possible, temporary periods either of over-supply or of shortage. It is understood that British Empire producers of citrus fruits are also represented on this Council.

It has been represented to me that the cooperation of the exporting interests in the United States of America, which is the only other major apple-exporting country, would be of great assistance in securing the orderly marketing of the apple crop and would be of no less benefit to them than to the other suppliers. I have the honour to inform you that the Government of the United States of America inclines to the view that it is in the general interest that the shipment of apples to the United Kingdom market should be so planned as to avoid excessive variations in supplies and prices, and that it will call the attention of United States exporting interests to the desirability of their cooperating with the Empire Fruits Council in such arrangements as may be feasible to assure the orderly supply of apples to the United Kingdom market.

In the foregoing connection, your attention is invited to legislation in effect (Public No. 39, 73D Congress, approved June 10, 1933) which provides for the regulation of exports of apples (and pears) from the United States of America on the basis of grade or quality. Under this Act, the Department of Agriculture has issued regulations which require that all apples (and pears) shipped to foreign countries meet certain export standards. The effect of these regulations is to make large shipments of low-quality fruit to British or other foreign markets impossible.

I understand that up to the present no similar arrangements have been made for planning the shipments of citrus fruits to the United Kingdom market, but that certain British Empire producers have expressed a desire for some form of arrangement for the orderly marketing of citrus fruits in the United Kingdom, with a view to avoiding disturbances resulting from sudden fluctuations in supplies. I have the honor to inform you that, if the principal supplying countries (including foreign countries) should agree to cooperate in arrangements for the orderly supply of citrus fruits to the United Kingdom market, the Government of the United States of America would call the attention of United States exporters to the desirability of cooperating in any feasible arrangements to this end.

I avail, &c.

CORDELL HULL.

(b) *Note from the British Ambassador to the United States Secretary of State.*

Your Excellency,

Washington, November 17, 1938.

I have the honour to acknowledge the receipt of your Note of to-day's date concerning the marketing of apples and citrus fruits, and to confirm Your Excellency's understanding of the position as therein set out.

I have taken note with pleasure of the information and assurances conveyed to me in Your Excellency's communication.

I have, &c.

R. C LINDSAY.

NO. 7. BEEF AND VEAL.

(a) *Note from the United States Secretary of State to the British Ambassador.*

Excellency :

Washington, November 17, 1938.

I have the honor to state, with reference to Article 4 of the Trade Agreement signed this day, that in the event of the Government of the United Kingdom deciding to regulate, in connexion with a recommendation of the International Beef Conference, imports of any type of beef or veal, including offals thereof, imported from the United States of America, the Government of the United States of America would not claim for such products any freedom from quantitative regulation to which a right would otherwise exist by virtue of the provisions of the said Article 4.

It is my understanding that the Government of the United Kingdom would not impose any regulation of imports in the circumstances described in the foregoing paragraph unless exports from the countries represented on the Conference were being regulated by the countries concerned in accordance with plans approved by the Government of the United Kingdom, and that before imposing such quantitative regulation the Government of the United Kingdom would consult with the Government of the United States of America regarding the proposed action.

Accept, &c.

CORDELL HULL.

(b) *Note from the British Ambassador to the United States Secretary of State.*

Your Excellency,

Washington, November 17, 1938.

I have the honour to acknowledge the receipt of your Note of to-day's date informing me, with reference to Article 4 of the Trade Agreement signed this day, that in the event of the Government of the United Kingdom deciding to regulate, in connexion with a recommendation of the International Beef Conference, imports of any type of beef or veal, including offals thereof, imported from the United States of America, the Government of the United States of America would not claim for such products any freedom from quantitative regulation to which a right would otherwise exist by virtue of the provisions of the said Article 4.

I have taken note with pleasure of Your Excellency's communication in the above sense, and have the honour to confirm your understanding that the Government of the United Kingdom would not impose any regulation of imports in the circumstances described in the foregoing paragraph unless exports from the countries represented on the Conference were being regulated by the countries concerned in accordance with plans approved by the Government of the United Kingdom, and that before imposing such quantitative regulation the Government of the United Kingdom would consult with the Government of the United States of America regarding the proposed action.

I have, &c.

R. C. LINDSAY.

NO. 8. CONSULTATION REGARDING VALUATION.

(a) *Note from the British Ambassador to the United States Secretary of States.*

Your Excellency,

Washington, November 17, 1938.

With reference to the discussions which have taken place in connexion with the negotiation of the Trade Agreement signed this day concerning the bases and methods of determining dutiable value in the United Kingdom and the United States of America and the desirability of removing, in so far as possible, any uncertainties in respect of these matters, I have the honour to assure you that the Government of the United Kingdom will be ready to afford full opportunity to the Government of the United States of America for

consultation between representatives of the two Governments concerning general problems of valuation as well as specific difficulties of application which may arise from time to time.

I should much appreciate hearing from you that the Government of the United States of America will likewise be ready to afford opportunity for such consultation.

I have, &c.

R. C. LINDSAY.

(b) *Note from the United States Secretary of State to the British Ambassador.*

Excelsency :

Washington, November 17, 1938.

I have the honor to acknowledge receipt of your Note of to-day's date in which reference is made to the discussions which have taken place in connexion with the negotiation of the Trade Agreement signed this day concerning the bases and methods of determining dutiable value in the United States of America and the United Kingdom and the desirability of removing, in so far as possible, any uncertainties in respect of these matters.

You state that the Government of the United Kingdom will be ready to afford full opportunity to the Government of the United States of America for consultation between representatives of the two Governments concerning general problems of valuation as well as specific difficulties of application which may arise from time to time.

I have the honour to assure you that the Government of the United States of America will likewise be ready to afford full opportunity for consultation between representatives of the two Governments concerning these matters.

Accept, &c.

CORDELL HULL.

OPPOSITION TO FEDERATION.

227. *Mr. M. Ananthasayanam Ayyangar: (a) Will the Honourable the Leader of the House be pleased to state if Government are aware that both the Congress and the Muslim League are opposed to the scheme of Federation as envisaged in the Government of India Act, 1935?

(b) What steps, if any, are Government taking to make the scheme acceptable to them?

(c) Is it a fact that Government propose to move for a modification and amendment of some provisions of the Government of India Act and, if so, what are the main heads of amendment?

(d) Do Government propose to take that opportunity to amend the Act so as to remove the provisions objectionable to the Congress?

The Honourable Sir Nripendra Sircar: (a) Government are aware of the statements made by these organisations of their attitude towards Federation.

(b), (c) and (d). I have nothing to add to the speech of His Excellency the Viceroy at the opening of the Annual meeting of the Associated Chambers of Commerce of India, Calcutta, on the 19th December, 1938, a copy of which is in the Library of this House.

CONSIDERATION OF THE ADOPTION OF A COMMON SCRIPT IN ROMAN.

228. *Maulvi Abdur Rasheed Chaudhury: (a) Will the Secretary for Education, Health and Lands please state whether Government have been considering the adoption of a common script—the Roman—for common language for India, *viz.*, Hindustani in place of both Urdu and Hindi scripts?

(b) If so, have they got any leaflet suggesting the new Roman script?

(c) If the reply to part (b) be in the affirmative, do Government propose to circulate the leaflets to the educational authorities in different provinces and ask for opinions before finally adopting the script?

(d) Do Government propose to consult this House before adopting the new script?

Sir Girja Shankar Bajpai: (a) Some members of the committee of the Central Advisory Board of Education appointed to consider the Wardha Education Scheme have suggested the desirability of the adoption of the Roman script in India. In accordance with the decision of the Board, copies of the Report of its Committee will be forwarded to Provincial Governments for consideration and it is for them to take such action as they may consider desirable on this suggestion.

(b) Subsequent to the meeting of the Central Advisory Board of Education, copies of a pamphlet entitled "A National Orthography for Hyndostani" were received by the Educational Commissioner with the Government of India and circulated for information only to members of the Board.

(c) As the pamphlet in question has not been considered by the Central Advisory Board of Education, Government do not propose to take any further action at present

(d) Does not arise.

CREATION OF *JAGIRS* IN DELHI PROVINCE.

229. *Mr. M. Thirumala Rao: (a) Will the Education Secretary please state whether it is a fact that the Government of India have approved the creation of *jagirs* in Delhi Province, to which a condition is attached that the holders should be of continued good conduct and steadfast loyalty to His Majesty The King Emperor?

(b) If the answer to part (a) be in the affirmative, how many *jagirs* are created, and what are the annual emoluments, and the names of the nominees?

Sir Girja Shankar Bajpai: (a) Yes.

(b) The number of *jagirs* to be awarded has not been specifically fixed, but the total sum released at any one time is not to exceed Rs. 2,000 per annum, and ordinarily not more than two *jagirs* are to be given in any one year. Four *jagirs* of Rs. 200 each per annum have so far been granted and the names of the grantees are—

- (1) Rai Sahib Pandit Madan Gopal of Mahpalpur;
- (2) Pandit Ram Kishan of Paprawat;
- (3) Rai Sahib Chaudhary Nathu Singh of Mitraon; and
- (4) Chaudhary Bahadur Singh of Moghulpur Kalan.

SPEECH DELIVERED BY SIR FIROZE KHAN NOON TO A CANADIAN AUDIENCE.

230. *Seth Govind Das: Will the Honourable the Commerce Member be pleased to state :

- (a) whether he is aware that Sir Feroze Khan Noon, the High Commissioner for India, addressed sometime ago a Canadian audience on the Government of India Act;
- (b) whether he has a copy of the text of his speech so delivered to the Canadian gathering;
- (c) whether his attention has been drawn to such passages of the High Commissioner's speech, to the Canadian gathering, as "excepting the Army and foreign relations, we have a constitution in India which gives us full Dominion Government as is the case in Canada", and "India is fiscally as autonomous as any other Dominion" etc.;
- (d) whether he has made the statements in his private capacity as an Indian, or as the High Commissioner for India; and
- (e) whether he is prepared to secure and lay a copy of the speech on the table?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). No.

(c) Government have seen the passages mentioned by the Honourable Member, but, so far as Government are aware, they are not quotations from any speech made by Sir Feroze Khan Noon.

(d) Any such statements that may have been made are the personal views of Sir Feroze Khan Noon.

(e) No.

UNSTARRED QUESTION AND ANSWER.**CHANGES IN THE SOUTH AFRICAN TARIFFS MADE IN FAVOUR OF INDIA'S EXPORTS TO SOUTH AFRICA.**

3. Mr. Manu Subedar: (a) Will the Honourable the Commerce Member please state the figures for (i) imports from and (ii) exports to South Africa during the years 1935-36, 1936-37, 1937-38 and 1938-39 (up to the last date for which figures are available)?

(b) What changes in the South African tariffs were made in favour of India's exports to South Africa, as the result of the temporary agreement entered into between the Government of South Africa and the Government of India in 1938?

(c) What changes in tariffs, if any, were made in India as the result of that agreement?

(d) Has the report of the Agent-General in South Africa referred to the said agreement, or to the effect of that agreement on the trade between India and South Africa?

(e) Have Government considered the effect, and are the beneficial results expected by Government realised? If so, in what manner?

The Honourable Sir Muhammad Zafrullah Khan: (a) The figures of imports from the Union of South Africa to India and of our exports to that country are as below:

	1935-36	1936-37	1937-38	1938-39
				9 months.
	Rs.	Rs.	Rs.	Rs.
Export to the Union of South Africa.	1,31,99,045	1,37,77,029	1,51,38,270	1,10,94,164
Imports from the Union of South Africa.	28,40,839	31,11,421	48,16,881	19,70,778
Balance of trade in favour of India.	1,03,58,206	1,06,65,608	1,03,22,389	91,23,386

(b) and (c). I would refer the Honourable Member to what is stated in paragraphs 3, 4 and 5 of Commerce Department Communiqué, dated the 22nd March, 1938.

(d) No, Sir.

(e) I would refer the Honourable Member to the import and export figures given in reply to (a).

ELECTION OF A MEMBER TO THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that up to 12 Noon on Monday, the 6th February, 1939, the time fixed for receiving nominations for the Standing Committee on Pilgrimage to the Hedjaz, two nominations were received. Subsequently, one member has withdrawn his candidature. As there now remains only one candidate for the vacancy, I declare Mian Ghulam Kadir Muhammad Shahban to be duly elected.

ELECTION OF A MEMBER TO THE CENTRAL ADVISORY BOARD OF HEALTH.

Mr. President (The Honourable Sir Abdur Rahim): I have also to inform the Assembly that up to 12 Noon on Monday, the 6th February, 1939, the time fixed for receiving nominations for the Central Advisory Board of Health, two nominations were received. Subsequently one member has withdrawn his candidature. As there now remains only one candidate for the vacancy, I declare Mr. F. E. James to be duly elected.

THE STANDARDS OF WEIGHT BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I beg to move for leave to introduce a Bill to establish standards of weight throughout British India.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill to establish standards of weight throughout British India."

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I introduce the Bill.

THE COAL MINES (STOWING) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I beg to move for leave to introduce a Bill to make further provision for safety in coal mines.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill to make further provision for safety in coal mines."

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I introduce the Bill.

THE EMPLOYMENT OF CHILDREN (AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I beg to move for leave to introduce a Bill to amend the Employment of Children Act, 1938.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill to amend the Employment of Children Act, 1938."

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I introduce the Bill.

THE MOTOR VEHICLES BILL.

The Honourable Sir Thomas Stewart: (Member for Railways and Communications): Sir, I beg to move:

"That the amendments made by the Council of State in the Bill to consolidate and amend the law relating to motor vehicles be taken into consideration."

Sir, I need not detain the House with any elaborate explanations of what these amendments are. For the most part, they represent improvements in phraseology and form; in no case has there been any departure

[Sir Thomas Stewart.]

from the principles accepted on the floor of this House; and in the few instances, mainly in the Schedules, where there has been a change of substance, it has been made merely to bring those Schedules up-to-date in the light of the more recent technical information that has been placed at our disposal. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the amendments made by the Council of State in the Bill to consolidate and amend the law relating to motor vehicles be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in.

'In sub-clause (4) of clause 7, for the word "two" occurring in the third line the word "three" was substituted.'

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is.

"That the following amendment, as made by the Council of State, be concurred in:

'In sub-clause (2) of clause 11, for the word "and" occurring in the third line the words "provided that" were substituted.'

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in:

'In clause 13—

(a) in sub-clause (2) for the words commencing "and any order made in such appeal" and ending "before passing any orders on the appeal" the following was substituted, namely:

"who shall decide the appeal after giving the licensing authority an opportunity of being heard, and the decision of the appellate authority shall be binding on the licensing authority.";

(b) after sub-clause (2) the following sub-clause was inserted, namely:

"(3) The order of a licensing authority shall, unless the appellate authority, conditionally or unconditionally, directs otherwise, be in force pending the disposal of an appeal under sub-section (2)."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in:

'For the words "registration certificate" where they occur in sub-clauses (1) and (4) of clause 28, and sub-clause (2) of clause 29, the words "certificate of registration" were substituted.'

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in :

'In sub-clause (1) of clause 37 for the words, figures, letter and brackets commencing "(c) (i) the registered laden weight" and ending "pertaining to the several axles of the vehicle" the following was substituted, namely :

"(c) the registered laden weight of the vehicle and the registered axle weights pertaining to the several axles thereof, fixed in accordance with sub-section (2) with reference to the particulars of the tyres entered in the certificate of registration; and

(d) if the vehicle is used or adapted to be used for the carriage of passengers solely or in addition to goods, the number of passengers for whom accommodation is provided,"'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in :

'In sub-clause (1) of clause 38, for the words "this Act" occurring in the seventh line the word and figure "Chapter V" were substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in :

'For the words "registration certificates" where they occur in parts (c), (d), (f) and (h) of sub-clause (2) of clause 41 the words "certificates of registration" were substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in :

'In clause 42—

(a) for part (g) of sub clause (3) of clause 42 the following was substituted, namely :

"(g) to any transport vehicle owned by, and used solely for the purposes of, any educational institution which is recognised by the Provincial Government or whose managing committee is a society registered under the Societies Registration Act, 1860;" and

(b) in sub-clause (4) of clause 42 for the words "Sub-section" in the first line the words "Subject to the provisions of sub-section (3), sub-section" were substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in :

'In part (c) of sub-clause (3) of clause 59, for the figures '42' the figures '43' were substituted'."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, this refers to clause 43, which is the most important clause in the Bill, where the Provincial Government is given the right to fix maximum or minimum fares or freights and also to restrict the conveying of goods traffic or of prescribed classes of goods. Though much care and attention has been bestowed in carrying out corrections of omissions and errors, I would ask the Honourable Member to look into clause 43 (1):

‘A Provincial Government, having regard to—

(a) the advantages offered to the public trade and industry. . . .’

Now, is it advantages offered to the “public trade and industry”? It means “public trade” as opposed to “private trade”. So a comma is necessary after “public”—otherwise this important provision will be useless?

The Honourable Sir Thomas Stewart: Sir, surely no amendment of clause 43 is under consideration?

Mr. President (The Honourable Sir Abdur Rahim): The suggestion is that a comma might be supplied: there is no objection to that, is there?

The Honourable Sir Thomas Stewart: Sir, I think it would be entirely wrong to make any alteration in clause 43, since no alteration in clause 43 was made in the Council of State, and there is, therefore, no discussion of clause 43 before us at this time.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Sir, this is only a matter of common sense. As far as I remember, when the Bill was before this House, the question was that the Provincial Government should consider the advantages first to the public, then to the trade and then to industry: as it is, it says “public trade and industry”: it may mean anything or nothing. Therefore, I do suggest that, as a matter of agreement, we may agree to have a comma after public and a comma after trade. It will then bring out the sense of this House as expressed by the vote of this House when this clause was under discussion. If the Honourable Member will give an undertaking that that will be seen to when the Bill is printed, that would, I think, satisfy the desire of the House.

The Honourable Sir Thomas Stewart: Sir, I am informed that it will be possible to do that without any formal amendment.

Mr. President (The Honourable Sir Abdur Rahim): That is quite feasible. The question is:

“That the following amendment, as made by the Council of State, be concurred in:

‘In part (c) of sub-clause (3) of clause 59, for the figures ‘42’ the figures ‘43’ were substituted’.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in:

'In sub-clause (2) of clause 63, for the words "or may" the words "and may likewise" were substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in:

'In part (f) of clause 64, for the word 'has' occurring in the third line the word 'having' was substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in:

'In sub-clause (2) of clause 75 for the words commencing "but the Provincial Government may" and ending "not provided for in the Ninth Schedule" the following was substituted, namely:

"but the Provincial Government or any authority empowered in this behalf by the Provincial Government may make or authorise the addition to any sign set forth in the said Schedule, of transcriptions of the words, letters or figures thereon in such script as the Provincial Government may think fit, provided that the transcriptions shall be of similar size and colour to the words, letters or figures set forth in the Ninth Schedule'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in:

'In sub-clause (1) of clause 94 the words "except as a passenger" where they occur for the second time were omitted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in:

'In sub-clause (1) of clause 108—

(a) for the word "with" occurring in the third line the following was substituted, namely:

"or deemed to have been registered under the Co-operative Societies Act, 1912 or under an Act of a Provincial Legislature governing the registration of Co-operative Societies";

(b) the word "Credit" occurring in the fourth line was omitted; and

(c) in part (a) after the word "for" in the second line the word "the" was inserted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in :

'In the First Schedule—

- (a) in Form C for the words "an authorised" occurring in the words in brackets under the heading the word "a" was substituted.
- (b) in Form D—
- (i) after the entry "(Name) " the entry "son/daughter of (father's name)....." was inserted; and
- (ii) the entry "Photograph if necessary" enclosed in a rectangle and the adjoining entry "signature or thumb impression" was transposed so that they appear immediately below the entry and dotted lines "(temporary address).....".
- (c) in the heading to Form G for the words "Registration Certificate" the words "Certificate of Registration" were substituted;
- (d) in Form G the words "which terminates on....." occurring in the *Note* were omitted; and
- (e) in Form H for the words and figures "Part IV of the Motor Vehicles Act, 1939" the words and figures "Chapter V of the Motor Vehicles Act, 1939, and the rules made thereunder" were substituted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in :

'In part B of the Fourth Schedule for the words "The Quarter Master General in India" the words "The Master General of the Ordnance in India" were substituted'."

Mr. S. Satyamurti: May I know, Sir, whether this is a mere verbal change because of the change in the designation of office, or does it mean anything substantial?

The Honourable Sir Thomas Stewart: The reason for this change is that the Master General of the Ordnance will now be the officer concerned instead of the Quarter Master General. It is a departmental change.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in :

'In part B of the Fourth Schedule for the words "The Quarter Master General in India" the words "The Master General of the Ordnance in India" were substituted'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in :

'In the Seventh Schedule—

- (a) in Tables A and B for the word "pound" in the heading to the second column the word "pounds" was substituted;

(b) for the first five entries in both the columns in Table A the following entries in the first column and corresponding entries in the second column were substituted, namely :

" 5-00-17	960
5-25-17	1060
5-25-18	1100
5-50-17	1140
5-50-18	1195
5-50-20	1225
6-00-16	1200
6-00-17	1350
6-00-18	1450
6-00-20	1550
6-25-16	1300
6-50-16	1400
6-50-17	1550
6-50-18	1700
6-50-20	1850
7-00-15	1500
7-00-16	1675
7-00-17	1850
7-00-18	2050
7-00-20	2200
7-50-15	1700
7-50-16	2050
7-50-17	2150."

(c) in the *Explanation* for the figures "6-00-20" the figures "5-00-17" were substituted; and

(d) the following *Note* was inserted after the explanation, namely :

"*Note*.—Tyres may be calibrated in so called metric sizes, for example, '170 x 20'. In that case the first number represents the sectional diameter of the tyre in millimetres and the second number represents the diameter of the rim in inches. The permissible weight in pounds for each such tyre shall be determined by dividing the nominal sectional diameter of the tyre in millimetres by the figure 25.4, the quotient being the nominal sectional diameter in inches. The permissible weight given in Table A for the nearest equivalent nominal sectional diameter in inches and the actual rim-diameter shall be the permissible weight for that tyre." "

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the following amendment, as made by the Council of State, be concurred in :

'In the Ninth Schedule—

(a) in Part A—

(i) the following was added to the *Note* appearing below sign No. 1, namely :—

"(3) Where the speed limit is, or is to be, imposed only on a certain class or classes of motor vehicle the class or classes will be specified on the 'definition plate'. Where in addition to a general speed limit applicable to other motor vehicles a special speed limit is, or is to be, imposed on vehicles of a certain class or classes, the general speed limit will be specified on the disc and the special speed limit together with the class or classes of vehicle to which it applies will be specified on the 'definition plate'." ; and

[Mr. President.]

(ii) the following *Note* was added below the design of sign No. 5, namely :

"*Note*.—Sign No. 5 as here set forth may be amplified by instructions inscribed upon a definition plate placed below it as in the general arrangement set forth in Sign No. 1 of this Part. Upon the definition plate may be set forth the times during which parking is prohibited. In like manner an arrow-head inscribed on the definition plate will indicate that parking is prohibited on that part of the street or road lying to the side of the sign to which the arrow-head points"; and

(b) in part C the *NOTE* in the margin opposite sign No. 2 was omitted'."

The motion was adopted.

REPORTS OF THE PUBLIC ACCOUNTS COMMITTEE.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the reports of the Public Accounts Committee on the accounts of 1934-35, 1935-36 and 1936-37.

Mr. K. S. Gupta (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, in continuation of my speech of yesterday, I would like to say something about the Wedgwood Committee's report. In the report of the Public Accounts Committee for 1935-36, the following paragraph appears on page 4:

"We also discussed at our final meeting the report recently submitted by the Wedgwood Committee, which was appointed as a result of a recommendation made by last year's Public Accounts Committee. We feel considerable disappointment at the conclusions reached by the Committee with regard to the financial prospects of the Railways, and we find difficulty in reconciling these conclusions with the information which was supplied to us regarding the continued improvement in railway revenues. A majority of us dissent strongly from certain of the proposals made by the Committee, and have appended a minute expressing our views and recommending that Government should take no action on the more important proposals until the report has been considered by the Legislature."

The recommendation of the Public Accounts Committee was that no action should be taken by the Government of India with regard to the recommendations of the Wedgwood Committee report but they paid no heed to these recommendations and they implemented the provisions of the Wedgwood Committee report from time to time as it suited them. This is a most unsatisfactory way of doing things. One of the discoveries of the Wedgwood Committee was that the railway officials were exceedingly discourteous to the passengers. This evil is still rampant and some of the railway officials are so rude that they should not be kept in railway service. When it suits Government, they would import officers and freely create new appointments and they would do anything and everything. This is a most deplorable state of affairs.

With regard to the amalgamation of railways, I would like to quote the following remarks of the Public Accounts Committee on page 109 of their report for 1935-36, Volume I, Part II:

"*Disadvantage of unwieldy administrations*.—We have considered whether we can in existing conditions make any recommendations as to the amalgamation of railway administrations. It is clear that at the present time nothing can be done as regards the privately-managed railways."

This is another vexed question and whenever any question is asked about the company-managed railways, the answer is at once given that the Government has no power over these railways. The only thing that they can do is to forward a copy of the question and the answer given on the floor of the House to the Railway Administration concerned. This is a very unsatisfactory state of things and the only remedy is that the Government should take hold of all the company-managed railways at the expiry of their contracts which fall on the following dates:

Assam Bengal Railway, 31st December, 1941.

Bombay, Baroda and Central India Railway, 31st December, 1941.

Bengal and North-Western Railway, 31st December, 1942.

Madras and Southern Mahratta Railway, 31st December, 1945.

South Indian Railway, 31st December, 1945.

Bengal Nagpur Railway, 31st December, 1950.

When these contracts terminate, it should be the first duty of the Government to take charge of these railways. The sooner they become State-managed railways the better for the country. If this is done, it will lead to a great deal of economy in the Railway Administration and it could also result in the amalgamation of railways.

I will now refer to the report of the Public Accounts Committee for the year 1934-35, Volume II (evidence). On page 84, Mr. Satyamurti asked the following question:

"Catering Department. On the South Indian Railway, for instance, the European Refreshment contractors are charged nominal rates although they enjoy the best rooms in the platform, whereas my Indian refreshment rooms are put in a hole and are charged enormous sums. This is not satisfactory."

Sir Guthrie Russell replied:

"The fact is that Spencers make so little and unless they were charged these rates, there would be no refreshments at all at the stations."

It is not true that the Spencers make so little profit because what is sold for two annas outside the platform is sold for four annas at Spencers. They make enormous profits and still the Government Member says that the Spencers make so little profit. The fact is that they make enormous profits but they waste them because of the costly management. They pay very heavily to the managers of these refreshment rooms, who are generally Europeans or Anglo-Indians. Mr. Satyamurti further asked:

"Give us equal rates. Give me a concession also, that is my point. I must also protest against the small refreshment for our dining saloon on the Great Indian Peninsula Railway. It is actually too congested: sometimes there are fifty in a small room."

I had also the fortune or misfortune of travelling by the Great Indian Peninsula Railway from Madras to Delhi once. The accommodation in the Indian refreshment car is for only six passengers. It is full of smoke and it is impossible for the passengers to sit there and eat. The other day, so many Indian students were travelling with concession tickets that we had great difficulty in getting food from this refreshment car

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is going into general grievances of passengers. The Honourable Member cannot do that now.

Mr. K. S. Gupta: This is the state of affairs with regard to the Indian refreshment rooms as well as the Indian refreshment cars. This distinction between the Indian and European should no longer exist.

Mr. President (The Honourable Sir Abdur Rahim): These grievances cannot be discussed now on the consideration of the Public Accounts Committee report. The Honourable Member must look at the rules regarding the report as to what can be discussed.

Mr. K. S. Gupta: So the rates between Indian refreshment rooms and European refreshment rooms should not be different.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot raise all sorts of questions at this stage.

Mr. K. S. Gupta: Now, I will take up the next point, that is the stores purchase policy.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot go into those questions now.

Mr. K. S. Gupta: Since the war the biggest purchase of stores has gone to foreign countries. We cannot go on subsidising foreign people eternally. We must encourage Indian industries. Referring to the Report of the Accounts for 1935-36, Prof. Ranga asked:

"I find from page 65 that you are purchasing 46 lakhs worth of textiles to be distributed amongst all the departments. I should like to know what has been your experience with the hand woven goods in preference to mill made goods."

Mr. President (The Honourable Sir Abdur Rahim): The Chair would ask the Honourable Member not to deal with this question. These are not relevant matters at this stage.

Mr. K. S. Gupta: Now, I shall take up the Posts and Telegraphs Department.

Mr. President (The Honourable Sir Abdur Rahim): The Chair would ask the Honourable Member to look at the Rules. At this stage he has got to see that the expenditure is in accordance with the authority and is legal and not otherwise.

Mr. K. S. Gupta: From year to year great loss is sustained under the Telegraph Department, and that is why I want to deal with that subject.

Mr. President (The Honourable Sir Abdur Rahim): Loss there may be, but the question is whether the appropriation is according to the rules or not. If the Honourable Member should go into all those matters there will be no end to the debate.

Mr. K. S. Gupta: With these remarks, I resume my seat.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I propose to confine myself strictly to the functions of the Public Accounts Committee as set out in the Statute. The value of the Public Accounts Committee depends upon the scrutiny brought to bear upon the accounts of the Government of India by the Auditor General. Therefore, the work of the Public Accounts Committee is valuable only to the extent that the Auditor General is completely independent of the Finance Department of the Government of India. It is only when the Auditor General is able to point out the variations or the mistakes of the Finance Department that the Public Accounts Committee can usefully discuss them. I understand that some concordat has been arrived at between the Finance Department and the Auditor General relating to certain irregularities in accounting and expenditure. I do not know if this is true, but if such a concordat has been arrived at, I enter my emphatic protest against such an arrangement. The Auditor General has his duties specifically defined by the Government of India Act. He has no business to enter into any kind of agreement about his powers or duties with the Finance Department. If there is any question of interpretation about his functions or duties, then the proper authority to decide it is the Federal Court and not the Finance or any other Department of the Government of India. I should like to have a categorical statement from the Honourable the Finance Member that there is no attempt whatsoever to influence the Auditor General or to come to any agreement with him relating to the manner of keeping accounts or the method of appropriation or any other matter. The second point I should like to refer is whether there should not be a time limit for carrying out the recommendations of the Public Accounts Committee or for declaring that such and such a recommendation cannot be carried out at all. At page 54 of the report for the year 1936-37, you have got an item "the question of allocation of Ecclesiastical expenditure should be settled as early as possible". This matter was raised in 1926-27 and in 1936-37, we have got the remark that the census of entitled persons is being taken. Sir, I do not think it takes such a long time as ten years even to take the census of the entire population of India. I do not see why a census of ecclesiastical persons should take such a long time as ten years. I suspect, Sir, that the Government of India are not quite willing or anxious to let the public know the details of ecclesiastical expenditure. Probably the House will be surprised to know that some part of the ecclesiastical expenditure is debited to Indian railways. We have been told day in and day out that the railways are run on commercial lines. But still we find that this commercial department is subsidising one particular religion in this country. What business have the Railways to incur ecclesiastical expenditure? It is only recently that I came to know that there was such an expenditure at all in the railway estimates. Even if you scrutinise the railway budget with a microscope, you will not be able to find that there is any item of ecclesiastical expenditure in the railway estimates. These things go on undetected. That is why we do not find any answer to this question. This ecclesiastical expenditure is distributed among the defence estimates, civil estimates and railway estimates. If it is consolidated and brought into one place, this House will wake up and ask why so much money should be spent on this ecclesiastical expenditure. We have been crying hoarse that this injustice of charging the general taxpayer with ecclesiastical expenditure should be ended, but still the Government of India are not only not willing

[Mr. K. Santhanam.]

to hear our demand, but they are not even willing to give the necessary information. That is my complaint here in this debate. Having taken over ten years, I think it is time the Government should say whether they are prepared to give information or whether it is not in public interests, according to their usual formula, to give this information.

Next, I will take up the question of the Indian Stores Department in London. The question of abolition of that department came up in 1932-33 and this is still being considered. Empires are being built, wars are being waged and the map of the whole world is being altered and yet the Government of India are taking years to consider even minor matters. I think even the Government of India should be ashamed that it ought to take such indefinite time to come to a decision on these minor matters. There is again this instance of unnecessary expenditure in the Persian Gulf still hanging fire from 1929-30 up to this date. I have given sufficient illustrations to show that whenever it does not suit the Government of India, they do not come to any conclusion and they simply say that the matter is being considered.

The Honourable Sir James Grigg (Finance Member): Is that not a sensible procedure?

Mr. K. Santhanam: It does not suit you to give the information, and that is why you give this excuse. I am suggesting to the Public Accounts Committee that after a certain stage they should devise means of effectively non-co-operating with such departments as will not carry out their recommendations.

Sir, in the report on the railway estimates there is a paragraph as follows:

"There was some discussion about the question of works being started before the final detailed estimates had been sanctioned. The Committee appreciated that considerable delay was bound to occur if final detailed estimates were to be sanctioned in all cases before works can be started." etc.

I want to draw the attention of the Public Accounts Committee to the fact that not only are amounts sanctioned before final detailed estimates are available, but that these so-called final detailed estimates are being progressively increased from year to year without the matter being brought before the Standing Finance Committee for Railways or before the Public Accounts Committee. Therefore, many of the Agents have got into the habit of putting in low estimates and spending part this year, and whenever more money is to be spent next year they simply put up the estimates again. We brought this matter prominently to the attention of the Railway Standing Finance Committee this year and the Financial Commissioner has promised to look it up. I suggest that the Public Accounts Committee also should bestow some attention on this matter. Whenever any estimates which have once been sanctioned have to go up it should be brought as a separate resolution for increased estimates before the Railway Standing Finance Committee. It should be brought prominently to the attention of the Legislature at the time of the budget estimates and then a proper explanation should be forthcoming before the Public Accounts Committee.

Sir, there is one point in which I am afraid the Public Accounts Committee is overdoing its work a little. Naturally, being a committee appointed to scrutinise public accounts they are very anxious for financial orthodoxy. But this orthodoxy may be carried a little too far. For

instance, when the annual depreciation of 1/60th of the capital at charge for the railway depreciation fund was settled, it was settled after allowing for the fact that certain expenditure which might be theoretically debitable to revenue were debited to the depreciation fund. Last year in the Railway Standing Finance Committee we had a discussion about this. For instance, about 27 lakhs of rupees for ballast renewals which was debitable to the depreciation fund was suddenly carried over to the expenditure account and also another sum for minor repairs. After our protest the Government of India agreed that so far as ballast renewals are concerned they might go on to the depreciation fund. Now, Sir, there is one serious effect of this change from the depreciation account to expenditure estimates in the case of railways because railway surplus is an element in calculating the amount which is distributable to the provinces. I think it is altogether wrong and unjust that the Government of India should undertake accounting changes which affect the calculation of surplus. I take it that by implication the Government of India order relating to the division of income-tax surplus is based on the accounting system as it obtained on 1st April, 1937. If any accounting changes which disturb this surplus are to be undertaken, then it should be undertaken with the consent of the Provincial Governments. I am not sure that the Provincial Governments would not be entitled to take this matter to the Federal Court and insist that no changes should be made to their detriment by the Finance Department at its own sweet will and pleasure. I am afraid this year also an attempt is being made to transfer five lakhs from the depreciation fund to expenditure. I hope the Finance Member will not embark upon it lest it should bring upon his head an acrimonious controversy between him and the provinces.

There is one other observation which I have to make about the so-called experiment of placing the Chief Accounts Officers under the General Managers of Railways. It is assumed as a matter of necessity that there should be a General Manager who is individually responsible for everything with reference to administration. I do not see why the big railway administrations like the Great Indian Peninsula and the East Indian Railways should not be conducted by something like the Railway Board in which there is one member for traffic, one member for finance and another for other matters, so that they will all be of equal rank and will take decisions jointly and be responsible jointly to the Railway Board. Otherwise I do not see how any Chief Accounts Officer can be an effective financial adviser. So far as I know, in the Railway Board the Financial Commissioner, so far as his department is concerned, is equal in rank and has got equal authority as the Chief Commissioner of Railways. Why should not that system be also tried. It is taken as more or less axiomatic that there should be one gentleman who is the General Manager. He may be an engineer and may not know anything about accounting or finance. Then how can he decide matters of finance? In such matters it should be the decision of the Chief Accounts Officer. I do not mind whether the technical responsibility is to the General Manager or to the Financial Commissioner. But the real point is that so far as matters of finance are concerned in the railway administration it is this officer who must be responsible; and if his decision is to be overruled it should be overruled by a competent body. That is the central point and so long as that principle is enforced I am myself indifferent as to the particular designation.

[Mr. K. Santhanam.]

Then again, Sir, there is a serious mistake on the part of the Finance Member with reference to the purchases made by railways. He says that about 19 to 25 per cent. of the purchases by railways are through the Indian Stores Department. I refer to page 110 of the evidence relating to Civil, Posts and Telegraphs. Mr. Satyamurti asked:

"With regard to Company-managed Railways what are the latest figures"

Mr. Pitkeathly said:

"We do not do much business. . . ."

The Honourable Sir James Grigg: He is not the Finance Member.

Mr. K. Santhanam: I am coming to him, Sir.

Mr. Pitkeathly said: "We do not do much business for them. Our average return is about 7 lakhs a year as against a total purchase of—well, I should not like to put a figure."

Then, the Chairman, who I presume was the Finance Member, said:

"It is between 19 per cent. and 25 per cent of the total purchases of the company railways."

I can inform him and he will find it from the latest report of 1937-38 of the Railway Board that the company-managed railways purchase only one per cent. of their imported articles through the Indian Stores Department.

The Honourable Sir James Grigg: I was speaking with figures in front of me.

Mr. K. Santhanam: Then, Sir, the Controller of Stores stated that the Government of India have no control over these companies in the purchase of stores.

The Honourable Sir James Grigg: I understand the Honourable Member was talking about imported stores. I was talking of the total stores. So that he can have his figure; mine is quite right.

Mr. K. Santhanam: Again, the Controller of Stores stated that the Government of India had no control whatever over the purchase of stores by the Company-managed railways. But it was only last year that the contract for the Madras and Southern Mahratta Railway was renewed. I would like to know why a condition was not put in in the renewed contract that the purchase of stores should be done through the Indian Stores Department. What was there to prevent the Government of India from doing that? Is it not sheer lack of willingness to enforce their will over these railway companies?

Mr. President (The Honourable Sir Abdur Rahim): That is all really not relevant to this discussion.

Mr. K. Santhanam: There is only one more point before I finish. It is about the frequent accounting changes which are being made in the budget, especially the railway budget. The accounting changes may be very good in themselves, but they prevent the Members of this Assembly.

and the public from following the figures from year to year. Even the so-called experts find it very difficult to collate these figures in view of these frequent changes which take place year after year. Not only that, but these changes are not carried out uniformly in all the railways at the same time. One railway carries one item of expenditure from one department to the other this year, and another railway takes it into its head to make that change next year; so that if you see the electrical department or any other department, you always find large variations in the figures and the explanation is that it is due to accounting changes. There should be a convention that accounting changes should be introduced only once in three years, say, and then it should be introduced uniformly in all the railways concerned. Unless some such convention is arrived at, the scrutiny of the budget either by the Standing Finance Committee or by the Public Accounts Committee would not be very effective or real. I suggest that these remarks should merit the consideration of the Finance Department. In conclusion I should like to congratulate the Members of my Party who have made the Public Accounts Committee the real committee that it is.

Mr. K. Sanjiva Row (Government of India: Nominated Official): Sir, I shall first deal with Mr. Satvamurti's speech on my amendment. The question that that amendment raises is a very simple one. The railway budget for 1936-37 anticipated a deficit and it provided for borrowing that amount from the depreciation fund. In actual fact there was a surplus and the question was how Government was to deal with that surplus. The recommendation of this House in the resolution passed in 1924 is quite definite on this point. It says:

"The Railway administration shall be entitled, subject to such conditions as may be prescribed by the Government of India to borrow temporarily from capital or from the reserves for the purpose of meeting expenditure for which there is no provision or insufficient provision in the revenue budget, subject to the obligation (*and this is the most important part*) to make repayment of such borrowings out of the revenue budgets of subsequent years."

Under this Resolution, Government had no option but to utilise the surplus for the repayment of the debt from the depreciation fund; and that is all that the Government have done. Then Mr. Satyamurti raised the point that we were introducing a new procedure. I have already pointed out that this is not a new procedure at all. It is the procedure recommended by the Public Accounts Committee and accepted by this House on more than one occasion.

Then, he raised the question of surcharging and recovery of the amount from somebody. I do not know how the question of surcharge arises in this case at all, because the money has not been taken away by somebody: the money is still lying there. Instead of being shown as a free balance of the Government of India, it has been shown as a balance of the depreciation fund. Nobody has taken away the money and the question of surcharge does not arise at all. In these circumstances I do not see on what grounds the House can reject the amendment moved by me.

Now, I come to the various points raised by Honourable Members on the general discussion. I do not propose to deal with all the various recommendations as they will be dealt with in the usual way in the quarterly statements which are printed and supplied to members of the Committee and they will also be printed in the next volume of the Public Accounts

[Mr. K. Sanjiva Row.]

Committee's Report which will be circulated to Members of the House. I shall only deal now with some of the important points that have been raised.

More than one Honourable Member referred to the writing down of the capital of the railways and said it was an irregular writing-off and it was lack of financial control and all sorts of things. I shall just prove to the House by a simple example that there was absolutely no irregularity in the matter, but simply a rectification of an error. Suppose we borrowed £1 million in England and that was shown as our debt in rupees at 133 lakhs: that amount was spent on railway expenditure. In the railway accounts, till this adjustment was made, that amount was shown in rupees as, say, 150 lakhs or 160 lakhs, whereas our debt was only 133 lakhs and we actually deducted as railway debt from our total debt 166 lakhs whereas our real debt was only 133 lakhs. So, what we now did in writing down the capital expenditure was that in the railway accounts that should be shown as 133 lakhs, which is the actual amount shown in our debt statement. This is all, and there was absolutely no irregularity in that. It was simply a rectification of an error.

Then some Members referred to the curtailing of the duties of the Auditor General and such like expressions. As regards this matter, I would simply refer Honourable Members to the speech of Mr. Satyamurti himself. He has dealt with the independence of the Auditor General fully in his speech and I do not think the Finance Department has done anything to curtail the powers of the Auditor General

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): I am afraid only of the concordat.

Mr. K. Sanjiva Row: Honourable Members have not seen the concordat and they do not know what is contained in it and they assume that it is curtailing the duties of the Auditor General. Certainly not. There are the statutory rules and the Government of India Act which regulate the powers and duties of the Auditor General, and it is quite proper that the Finance Department should come to an understanding with the Auditor General as to the interpretation of those rules and orders; and so long as there is agreement between the two, so long as the Auditor General and Finance Department are in agreement as to the interpretation, where is the question of curtailing his powers and duties?

Mr. S. Satyamurti: What is the agreement?

Mr. K. Santhanam: Is the agreement to be over our heads?

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Place it on the table of the House.

Mr. K. Sanjiva Row: It is only an understanding between the Auditor General and the Government of India as to how the various statutory rules and orders will be interpreted.

Mr. S. Satyamurti: What is the understanding, Sir? May this House know what is the agreement between the Auditor General and the Finance Department?

Mr. President (The Honourable Sir Abdur Rahim): It is about the interpretation of the different rules, I understand.

Mr. S. Satyamurti: Yes; but the Auditor General being our eyes as regards the Public Accounts Committee, may we know if they have come to any arrangement in writing, and, if so, what the arrangement is?

Mr. President (The Honourable Sir Abdur Rahim): It is for the Finance Department.

Mr. S. Satyamurti: I am asking them.

Mr. K. Sanjiva Row: The Auditor General is not bound to accept whatever the Government of India or the Finance Department tell him. Unless he feels that the interpretation is reasonable, he will not accept it.

Mr. B. Das (Orissa Division: Non-Muhammadan): Under the new Act, the Auditor General will be under the Government of India and not under the Secretary of State.

Mr. K. Sanjiva Row: Then, Sir, two or three Honourable Members referred to the delay in carrying out the recommendations of the Public Accounts Committee. Sir, during the last 18 years there have been hundreds of recommendations made by the Public Accounts Committee, and how many of these are outstanding at the moment? My Honourable friend, Mr. Santhanam, gave three instances in which he said there was delay in carrying out the recommendations. As a matter of fact, I doubt whether he will find any more. Sir, if out of hundreds of recommendations only three are outstanding, I do not think it is reasonable to suggest that we have been taking too much time in carrying out the recommendations, and as regards these three, the nature of the recommendations is such that they will take time for disposal

Mr. B. Das: You are all right in the Finance Department. It is the other Departments.

Mr. K. Sanjiva Row: Then my Honourable friend, Mr. Das, tried to find fault with us for paying to the Sind Government the cost of the Nasirabad Canal. The facts are these. A portion of the Lloyd Barrage canal passes through Baluchistan, which is a Centrally Administered Area. How can we saddle the Sind Government with the cost of that portion of the canal? We had to pay the cost, and the only question was whether we should pay it in 1936-37 or in 1937-38, and at the time the Budget was prepared in 1936-37 we did not make any provision in the Budget as the actual figures were not known, and definite orders had not been passed as the whole matter was under correspondence, but after the close of the year we found that the Sind Government had already included the amount in their Budget for 1936-37, and if we had not paid the amount in 1936-37, we should have had to pay interest to the Sind Government on that amount. In order, therefore, to avoid that extra expenditure we paid the amount in 1936-37, and the whole question was discussed in the Public Accounts Committee, and the Public Accounts Committee recommended an excess grant, and that grant has been passed by this House already.

[Mr. K. Sanjiva Row.]

Again, Sir, Mr. Das raised the question of the transfer of Chief Accounts Officers to the control of the Agents on the Great Indian Peninsula and North Western Railways. Sir, the recommendations of the Public Accounts Committee on this point are contained in paragraph 7 of their Report, and these recommendations have been fully carried out in effecting these transfers. Then my friend referred to certain remarks made by the Auditor General and said that it was not his intention that the transfer should take place on these two Railways, but the Auditor General has not so far objected to the transfers being made on these two Railways, and the effect of the transfers is being watched by the Auditor General through his Director of Railway Audit and by the Financial Commissioner of Railways through the Controller of Railway Accounts.

Then, my friend, Mr. B. Das, also referred to some adjustments made as a result of the recommendations of Sir Cowasji Jehangir Committee. Sir, so far as I remember, the recommendations made by that Committee and the action taken by the Government thereon were fully discussed by the Public Accounts Committee, of which Mr. Das was himself a member, and the entire action taken by the Government was approved by the Committee. In these circumstances, I do not know, Sir, why, at this distance of time, my friend should raise this old question again.

Mr. B. Das: It was not discussed in the House.

Mr. K. Sanjiva Row: The Report of the Public Accounts Committee for that year was discussed in the House, and that Report contained all the recommendations as also the action taken by the Government on those recommendations.

Sir, I do not think there are any more points that I can deal with.

Mr. B. Das: What about the Home Department having no work?

Mr. President (The Honourable Sir Abdur Rahim): As the House is aware, no question is to be put as regards the Report of the Public Accounts Committee. The Chair will, therefore, put the amendment of Mr. Sanjiva Row. The question is:

"That the Assembly do approve the appropriation of Rs. 1,20,58,909 actually made in 1936-37 from the Railway surplus for that year towards repayment of the temporary loans taken from the Railway Depreciation Fund."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): That finishes the agenda.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, before you adjourn the House, may I make a statement for the information of the House. Notice was given of the meeting of the Select Committee on the Insurance (Amendment) Bill to take place soon after the House rose. I have been asked by some Honourable Members to meet at half past two, as there are only ten minutes left for the usual lunch adjournment. May I take this opportunity to inform the Honourable Members of the Select Committee that we shall assemble at half past two, and not immediately after we adjourn now.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 9th February, 1939.

LEGISLATIVE ASSEMBLY.

Thursday, 9th February, 1939.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBER SWORN.

Mr. Parakat Mādhava Menon, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

DISPUTE IN CONNECTION WITH THE SHIVA TEMPLE IN DELHI.

231. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Home Member state:

- (a) whether the Shiv mandir dispute in Delhi is still continuing;
- (b) what is the total number of men and women arrested and sent to jail in this connection; and
- (c) what is the present situation?

The Honourable Mr. R. M. Maxwell: (a) and (c). The civil suit brought by Government and the Delhi Municipal Committee for the possession of the site has been decreed in favour of Government with costs. A few persons are, however, still offering *satyagraha* at the site.

(b) The total number of persons arrested up to the 24th January, 1939, was 1,130. Of these persons 894 had been convicted by that date and ten were still under trial.

Mr. T. S. Avinashilingam Chettiar: What about the rest?

The Honourable Mr. R. M. Maxwell: I suppose they were not convicted.

Mr. Lalchand Navalrai: May I know if any appeal has been filed against the decision of the Sub-Judge?

The Honourable Mr. R. M. Maxwell: I must ask for notice of that.

Mr. Badri Dutt Pande: How many persons have been externed from Delhi in this connection?

The Honourable Mr. R. M. Maxwell: I must ask for notice.

Mr. T. S. Avinashilingam Chettiar: May I know whether the question has been finally settled or whether the *satyagraha* is still going on?

The Honourable Mr. R. M. Maxwell: I said that the position was that the Civil Court had decided the matter in favour of the Government and there were a few persons who were still offering *satyagraha*. That is the only extent to which the dispute still continues, although the subject matter of the dispute has already been decided by the Court.

TRANSFER OF AGENCY FUNCTIONS TO THE HIGH COMMISSIONER FOR INDIA IN LONDON, ETC.

232. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Finance Member state:

- (a) whether Government have considered the suggestion of the Public Accounts Committee that the Agency functions now performed by the India Office on behalf of the Government of India should be transferred to the High Commissioner and the remaining cost of the India Office should be borne by His Majesty's Government; and
- (b) whether this matter has been investigated and, if so, by whom, and with what results?

The Honourable Sir James Grigg: (a) Yes.

(b) The matter was examined in England last summer by Sir Ernest Burdon on behalf of the Government of India. After a thorough investigation he has come to the conclusion, which the Government of India accept, that it is not advisable to transfer any specific work to the High Commissioner and that the India Office have justified their assessment of the charge which should be levied on India for agency work.

Mr. S. Satyamurti: What are the reasons on which the Government of India have accepted the recommendation of Sir Ernest Burdon that no agency functions now discharged by the Secretary of State should be transferred to the High Commissioner?

The Honourable Sir James Grigg: I understand the reasons are economy, efficiency and administrative convenience.

Mr. S. Satyamurti: May I know whether my Honourable friend can give any indication to this House of the major agency functions which are now being discharged by the Secretary of State, which cannot be transferred to the High Commissioner on grounds of economy, for example?

The Honourable Sir James Grigg: I will consider that.

Mr. S. Satyamurti: Will my Honourable friend place on the table of the House the recommendations of Sir Ernest Burdon?

The Honourable Sir James Grigg: I do not think so.

Mr. S. Satyamurti: May I know with regard to efficiency, what are the major agency functions which are now being discharged by the Secretary of State, which cannot be equally efficiently discharged by the High Commissioner for India?

The Honourable Sir James Grigg: The question which the Honourable Member asked me, last but one, was whether I would give information. I have said I will consider that.

Mr. S. Satyamurti: I asked then about economy. Now I am asking about efficiency.

The Honourable Sir James Grigg: If he goes on to administrative convenience the answer will be the same to all the three.

Mr. N. M. Joshi: May I know whether the Government of India have taken into consideration the constitutional aspect of the question, namely, the High Commissioner is under their own control whereas the India Office is not?

The Honourable Sir James Grigg: That was the whole purpose of the enquiry I understand.

Mr. Manu Subedar: May I know whether it is suggested that the High Commissioner would not perform those functions equally economically?

The Honourable Sir James Grigg: That is the matter which was investigated and it is the opinion of Sir Ernest Burdon on investigation. That seems to be the only possible reason that I can give.

Mr. K. Santhanam: May I know if it is only to justify the charges which are now paid to the India Office, that this transfer is not to take place?

The Honourable Sir James Grigg: That is an insinuation.

Mr. S. Satyamurti: May I know the reasons why Sir Ernest Burdon's report may not be placed before this House? I presume the report is in writing.

The Honourable Sir James Grigg: Because Sir Ernest Burdon, when he made the report, did so on the basis that he was reporting confidentially for the information of the Government of India. I will consider whether it is possible to get a summary of the report which could be made public.

Mr. M. Ananthasayanam Ayyangar: Will Government consider the desirability of transferring progressively some subjects,—subject after subject?

PERSONS OF VARIOUS COMMUNITIES RECRUITED UNDER THE GOVERNMENT OF INDIA.

†233. ***Sardar Sant Singh:** Will the Honourable the Home Member please state:

- (a) the number of persons of various communities recruited since July 1934, when the Government of India issued their circular, up to date in (i) superior, (ii) subordinate, and (iii) ministerial services under the Government of India in all their Departments; and

†Answer to this question laid on the table, the questioner being absent.

- (b) the total amount of salary drawn by members of each community from the revenues of the Government of India during the year 1937-38 and ten months of 1938?

The Honourable Mr. R. M. Maxwell: (a) Information relating to the number of vacancies in the Central Services, filled by direct recruitment, is contained in the printed copies of the annual communal returns which are placed in the Library of the House.

(b) Government have no information and do not consider that the time and labour involved in collecting the information would be commensurate with the results.

MANUFACTURE OF LETHAL EQUIPMENT FOR THE ARMY IN INDIA.

234. *Mr. Abdul Qaiyum: Will the Defence Secretary please state:

- (a) the total cost of the lethal equipment for the Army in India for each of the financial years 1936-37 and 1937-38;
- (b) the value of the parts manufactured in India each year during 1936-37 and 1937-38;
- (c) which particular articles of lethal equipment are not manufactured in India at present; the reasons why this cannot be done; and
- (d) whether Government are prepared to make efforts to make India entirely self-sufficient in this respect?

Mr. C. M. G. Ogilvie: (a) The total annual cost of lethal equipment for the army in India for the years 1936-37 and 1937-38 was as follows:

	Rs.
1936-37	1,01,14,000
1937-38	1,08,59,000

(b) The value of the parts manufactured in India during the same years was:

	Rs.
1936-37	97,49,000
1937-38	1,05,15,000

(c) The deficiencies include certain types of ammunition and a number of minor items such as pistols and certain machine gun components.

The reasons why these articles are not manufactured in India are:

- (i) that the Government ordnance factories and private firms are not equipped or sufficiently developed for their manufacture, and
- (ii) that the small numbers required of certain articles would make it uneconomical to develop their manufacture in India.

So far as is possible on practical and economic grounds lethal stores are manufactured in India and all that is possible is being done to increase India's capacity for manufacture of these stores.

(d) They are already doing so, as was explained by me in reply to starred question No. 809 asked by Mr. S. Satyamurti on the 7th September, 1938.

Mr. Abdul Qaiyum: May I know, in view of the international situation, if it is not possible to so equip Government factories in India as to turn out all the lethal articles required for this country?

Mr. O. M. G. Oglvie: The equipment of factories is necessarily a very lengthy business. The manufacture, for example, of machine tools takes months, and for the reason that I have given there are very few articles which we do not produce here and they can be so much more cheaply obtained from abroad that it would be a waste of money to produce them here.

Mr. Manu Subedar: May I know whether the opinion that they cannot be manufactured equally cheaply in this country was formed after consulting private firms who are running workshops and who are supplying the other needs of the Government?

Mr. C. M. G. Ogilvie: It is, I imagine, a self-evident fact that to put up an expensive plant not an economical business, unless the orders which are likely to be given will make it worth while to incur very large capital and running expenses.

Mr. Manu Subedar: My question was with regard to consultation of local manufacturers, for this reason that in this country many intricate things like safe deposits are being made with great precision. I want to know whether Government will give an opportunity to the local manufacturers and consider the advisability of having consultations with likely manufacturers?

Mr. C. M. G. Ogilvie: As a matter of fact, Government are very closely in touch in one way or another with everybody who is likely to be able to make anything that they want.

Mr. K. Santhanam: May I know if the Railway workshops cannot be asked to prepare such tools and other materials as are bought outside?

Mr. C. M. G. Ogilvie: I can only assure the Honourable Member that everything which can be manufactured at a reasonable price in this country is being manufactured here.

OFFICERS AND MEN IN THE AUXILIARY FORCE.

235. *Mr. Abdul Qaiyum: Will the Defence Secretary please state:

- (a) the total number of officers and men in the Auxiliary Force in India;
- (b) how many of these are Anglo-Indians and how many Indians;
- (c) the total amount spent on the above Force in 1937-38; and
- (d) the reasons why admission into this Force is denied to Indians?

Mr. G. M. G. Ogilvie: (a) The strength of the Auxiliary Force (India) on the 31st December, 1938, was:

Officers	.	.	.	.	.	.	.	.	.	589
Other ranks	.	.	.	.	.	.	.	.	.	13,105
Reserves	.	.	.	.	.	.	.	.	.	6,900
										20,594

(b) No statistics are maintained to distinguish between those members of the Auxiliary Force (India) enrolled under category (a) and those who are enrolled in category (b) of section 4 of the Auxiliary Force Act, 1920. Indians are not enrolled in the Auxiliary Force.

(c) The pay and allowances and other cash expenditure incurred during the financial year 1937-38 on Auxiliary Force units was Rs. 36.73 lakhs. This amount does not include the expenditure on rations, clothing and ammunition, as those figures are not available.

(d) I refer the Honourable Member to the answer given by me to his supplementary question to starred question No. 1990 of the 9th December, 1938, on the same subject.

Mr. Abdul Qaiyum: May I know if Government are satisfied whether it is fair to utterly exclude Indians in a force for which India pays every pie?

Mr. C. M. G. Ogilvie: There is no question of exclusion. One force is raised for the European and domiciled communities and the other force, the Indian Territorial Force, is raised solely for Indians.

Mr. Abdul Qaiyum: Is the Honourable Member aware that it is believed that it is due to the mistrust of Indians that British troops, Gurkhas and Anglo-Indians are maintained in this country to cope with any emergency that may arise?

Mr. C. M. G. Ogilvie: Not in the least. There is no mistrust whatever. I can assure the Honourable gentleman that the presence of these troops has on frequent occasions been a source of great benefit to the people of India and that their services have been highly appreciated by them.

Mr. Abdul Qaiyum: May I know if the British soldiers, the Anglo-Indians and the Gurkhas comprise more than half the strength of what is called the Indian Army?

Mr. C. M. G. Ogilvie: I should like to know how the Honourable Member can extract any of that from the question which I have just answered.

Mr. S. Satyamurti: Is there any military reason or any other reason in the interests of public safety, which my Honourable friend can state on the floor of the House as to why there ought to be two forces one Auxiliary confined to Europeans and Anglo-Indians and one Territorial confined to Indians?

Mr. C. M. G. Ogilvie: The only reason which I can give my Honourable friend is that the Auxiliary Force is raised to form a second line to British troops and the Territorial Force to form a second line to Indian troops.

Mr. S. Satyamurti: Does it follow that the functions or purposes for which British troops are to be used in this country or outside are statutorily distinct from the functions and purposes for which Indian troops may be and are likely to be used?

Mr. C. M. G. Ogilvie: Their functions are entirely similar but their composition is distinct.

Mr. S. Satyamurti: Is there any difference in equipment or in training or in any other matters relative to the purposes for which these forces are maintained?

Mr. C. M. G. Ogilvie: I have no objection to answering it but I cannot see how it arises.

Mr. S. Satyamurti: Why is the Auxiliary Force treated as second line to British troops and the Territorial Force as the second line to Indian troops? Why is this racial distinction maintained even in this force?

Mr. C. M. G. Ogilvie: Because there is a racial difference in the composition of the British forces and the Indian forces. There is no discrimination. There is no difference except that of race.

Mr. S. Satyamurti: Is there any difference except race from the point of view of the Defence Department?

Mr. C. M. G. Ogilvie: I fail to follow that question.

Mr. S. Satyamurti: Is there any difference from the point of view of the taxpayers of India or the Defence Department between the British troops and the Indian troops except race?

Mr. C. M. G. Ogilvie: Race is certainly one of the differences.

Mr. S. Satyamurti: Anything else?

Mr. C. M. G. Ogilvie: I don't see why I should be subjected to all these innumerable questions on the basis of the differences between the British troops and the Indian troops arising on the question of the Auxiliary Force.

Mr. S. Satyamurti: I submit to you, Mr. President, that my Honourable friend said that the Auxiliary Force formed the second line to the British troops and the Territorial Force to the Indian troops. I am asking for some elucidation of the distinction between the two. I want to know if there is anything except race.

Mr. President (The Honourable Sir Abdur Rahim): He has said that race does enter into the composition of the force.

Mr. S. Satyamurti: I am entitled to know whether there is any other element in it except race.

Mr. President (The Honourable Sir Abdur Rahim): He said that race is one of the considerations.

Mr. S. Satyamurti: I want to know what are the other considerations?

Mr. C. M. G. Ogilvie: The only answer which I can give the Honourable Member is the one which I have given already, which seems to me to be a quite clear and satisfactory one and that is, that one is to be the second line to British troops and the other to the Indian troops.

Mr. S. Satyamurti: Is that an answer?

Maulvi Abdur Rasheed Chaudhury: Are there any specific duties assigned to the Auxiliary Force?

Mr. C. M. G. Ogilvie: They are the same as are assigned to other forces.

FORMATION OF A POOL OF OFFICERS FOR THE FINANCE DEPARTMENT.

236. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Finance Member state:

- (a) whether the arrangements for forming a pool of officers for the Finance Department have been concluded;
- (b) what proportion of them belong to Indian Civil Service and what proportion belong to the audit service; and
- (c) among those in the Indian Civil Service, how many of them are Indians?

The Honourable Sir James Grigg: (a) and (b). A Resolution on the subject was published in the Gazette of the 4th February.

(c) The initial constitution of the pool from officers at present serving in pool posts has not yet been determined.

Mr. T. S. Avinashilingam Chettiar: May I know how many have been enrolled to this pool till now?

The Honourable Sir James Grigg: That has been answered by implication for I said that the initial constitution of the pool from officers at present serving in pool posts has not yet been determined.

Mr. T. S. Avinashilingam Chettiar: How many have been enrolled as such in the pool?

The Honourable Sir James Grigg: The Honourable Member had better put down a question.

Mr. S. Satyamurti: May I know whether the object or result of this arrangement will be, or is intended to reduce the number of Indians in the Finance Department or in the Audit Service?

The Honourable Sir James Grigg: Certainly not.

Mr. S. Satyamurti: May I know whether the object of this pool is merely to increase the efficiency of these officers for the specialised service in the Finance and Audit Departments, and not to disturb the pace of Indianisation?

The Honourable Sir James Grigg: If the Honourable Member will stop his question at the point whether the object is efficiency, I would certainly answer it in the affirmative. I do not understand what the Honourable Member means by the pace of Indianisation.

Mr. S. Satyamurti: I want to know whether one of the incidental objects of this selection is to reduce the number of Indians now being recruited for service in these Departments.

The Honourable Sir James Grigg: The only object is to increase efficiency.

Mr. S. Satyamurti: Not to decrease the number of Indians?

The Honourable Sir James Grigg: That depends upon efficiency.

SIND'S DEBT REGARDING BARRAGE.

237. *Mr. Lalchand Navalrai: (a) Will the Honourable the Finance Member be pleased to state how much Sind's debt regarding Barrage is due to the Central Government at present?

(b) How much from the capital or interest has been paid by the Sind Government since the completion of the Barrage?

(c) Is there any correspondence between the Sind and the Central Government for writing off the debt or reducing the same? If so, what orders have Government made thereupon?

(d) In case Government intend not to relinquish the debt, what is the Government's estimate as to the ability of the Sind Government and the time within which the Barrage earnings can pay the debt?

The Honourable Sir James Grigg: (a) The amount of debt outstanding on the 1st April, 1938, was Rs. 24.83 lakhs.

(b) Since the constitution of Sind, the Provincial Government have paid Rs. 50.53 lakhs on account of principal and Rs. 235.25 lakhs on account of interest up to 1937-38.

(c) No.

(d) The Barrage debt is to be repaid in 40 years commencing from 1942-43. It is secured on the general revenues of Sind including Barrage earnings.

Mr. Lalchand Navalrai: With regard to clause (c) may I know whether the Government of India have asked the Government of Sind to raise the assessment on lands?

The Honourable Sir James Grigg: The Honourable Member cannot ask that question because the assessment of the lands in the Sind Barrage area are no concern of the Governor General in Council.

Mr. Lalchand Navalrai: What I want to know is whether the Government of India will reduce the debt if the income in that direction is increased?

The Honourable Sir James Grigg: The Honourable Member had better put down a question, but as far as I am concerned, the answer is that the Government of India will require a good deal of convincing before they reduce the debt.

Mr. K. Santhanam: Will Government consider the desirability of setting off the Government of India's subvention to Sind against the interest and capital payments due for the Barrage debt?

The Honourable Sir James Grigg: My recollection is that, calculating on the basis of present values, that would amount to a gift of ten crores to the Sind Government.

Mr. M. Ananthasayanam Ayyangar: May I ask if any instalment is overdue?

The Honourable Sir James Grigg: As far as I remember, the combined account for both interest and capital will not be closed till 1942-43 and that is the date as from which the debt will be funded.

Mr. S. Satyamurti: May I ask whether the Government of India have not interfered, and have no intention of interfering with the assessment proposals with regard to the land under the Barrage—which is entirely a matter for the Sind Government—and the Government of India are concerned only with the repayment of the debt due to them?

The Honourable Sir James Grigg: The assessment proposals are no concern of the Governor General in Council.

BARRACKS ALLOTTED TO BRITISH AND INDIAN TROOPS.

238. *Mr. Akhil Chandra Datta: Will the Defence Secretary please state:

- (a) whether the barracks allotted for British troops are more spacious than the barracks allotted for the Indian troops;
- (b) whether there is any difference in the matter of amenities between the barracks allotted to British and Indian troops; and
- (c) whether the Army Department has set up one particular standard of accommodation and other amenities for British soldiers and another standard for Indian sepoys?

Mr. C. M. G. Ogilvie: (a)—(c). Yes. I also refer the Honourable Member to my answer to part (a) of starred question No. 1663, asked by Mr. Muthuranga Mudaliar on the 1st December, 1938.

Mr. S. Satyamurti: Will Government take steps to abolish this racial discrimination altogether, as it is a perpetual source of irritation?

Mr. C. M. G. Ogilvie: No, Sir, the Government do not admit racial distinction to exist in the manner in which the Honourable Member's question implies. If Indian troops were to be stationed in the United Kingdom, as happened during the Great War, they, just as much as British troops here, would receive and did receive special concessions.

Mr. S. Satyamurti: May I know whether Government have any intention of abolishing this distinction which goes on year after year and continues as a permanent process?

Mr. O. M. G. Ogilvie: No, certainly not. British troops stationed in this country must obviously receive certain concessions.

Mr. S. Satyamurti: Why?

Mr. O. M. G. Ogilvie: For the same reason precisely as Indians would have to receive them if stationed in England.

CHATFIELD ENQUIRY COMMITTEE.

239. *Mr. Akhil Chandra Datta: Will the Defence Secretary please state:

- (a) whether Lord Chatfield's enquiry is a public enquiry, or a private and confidential enquiry;
- (b) whether Government propose to place before this House the case presented by Government before the Chatfield Committee and the evidence adduced in support of that case on the following question, *viz.*:
 - (i) the question of relative liabilities of Indian and Imperial revenue regarding the cost of defence services in India;
 - (ii) the question of relief to Indian revenue by a grant from the Imperial revenues;
 - (iii) the question of entire withdrawal of British regiments stationed in India;
 - (iv) the question of the United Kingdom taking over the cost of all British regiments in India and removing it from the head of Indian revenues; and
 - (v) the question of Indianisation of services;
- (c) whether the Committee's report will be placed before this House and whether this House will be consulted before any action is taken on their recommendation; and
- (d) whether at all events this House will be consulted regarding those recommendations of the Committee which will affect the Indian revenues before arriving at any decision thereon?

Mr. O. M. G. Ogilvie: (a) and (b). I refer the Honourable Member to the reply I gave to parts (b), (c) and (e) of starred question No. 2032 asked by Mr. K. S. Gupta on the 9th December, 1938.

(c) and (d). I refer the Honourable Member to the reply I gave to part (i) of starred question No. 111 asked by Mr. M. Asaf Ali on the 6th February, 1939.

Mr. S. Satyamurti: Sir, have Government got any information now whether this report has been submitted to His Majesty's Government, and may I know when the Government of India expect to receive a copy of this report?

Mr. O. M. G. Ogilvie: I do not see that that arises from this question.

Mr. S. Satyamurti: It arises out of clauses (c) and (d) of the question?

Mr. O. M. G. Ogilvie: I have already clearly answered that question.

Mr. S. Satyamurti: Mr. President, you will remember that the last time, on Monday I think, the Honourable the Defence Secretary stated that he expected the report to be presented to His Majesty's Government on that date,—I am asking whether, since that date, the Government have received any information to the effect that this report has been submitted to His Majesty's Government, and when this Government expect to get a copy of that report?

Mr. O. M. G. Ogilvie: Sir, as a matter of principle I cannot see that it arises from this question.

Mr. S. Satyamurti: I submit it does.

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks, in a matter like this, if the Honourable Member is in a position to give this information he ought to do so.

Mr. O. M. G. Ogilvie: I am in a position to do so, and I will, therefore, give it. The report was received by His Majesty's Government on the 6th of February.

Mr. S. Satyamurti: When do this Government expect to get a copy of that report?

Mr. O. M. G. Ogilvie: Am I to understand that that too arises from this question, Sir?

Mr. S. Satyamurti: Well, will this House be consulted regarding those recommendations of the Committee after this Government gets a copy of the report?

Mr. President (The Honourable Sir Abdur Rahim): He has not got the copy yet.

Mr. S. Satyamurti: He has not said that yet, Sir?

Mr. President (The Honourable Sir Abdur Rahim): It follows.

Mr. S. Satyamurti: He has not said so, Sir,—I cannot follow what he does not say?

Mr. O. M. G. Ogilvie: I am quite ready to answer that?

Mr. K. Santhanam: May I know if Indian revenues have paid any part of the cost of this inquiry?

Mr. O. M. G. Ogilvie: That does not arise.

Mr. K. Santhanam: The question is whether it was a private or confidential inquiry. If it were a confidential inquiry of the British Government, then this Government ought not to pay. I am asking whether Indian revenues have paid any part of the cost of this inquiry. That should be capable of being answered quite easily?

Mr. C. M. G. Ogilvie: That question was already answered, I think, during the last Session.

Mr. K. Santhanam: May I request the Honourable Member to read that answer?

Mr. C. M. G. Ogilvie: I have not got the answer with me.

Mr. Abdul Qaiyum: Have Government sent in their suggestions or recommendations on this report to His Majesty's Government?

Mr. C. M. G. Ogilvie: I am unable to answer any question of that sort, apart from the fact that it does not arise.

An Honourable Member: Why?

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot compel him to do so.

Maulvi Abdur Rasheed Chaudhury: May I know whether this particular question of the entire withdrawal of British regiments from India was before the Committee?

Mr. C. M. G. Ogilvie: I cannot answer that question any more definitely than I have already answered innumerable questions on the same subject.

Jews ENTERING INDIA.

240. *Sardar Mangal Singh: Will the Honourable the Home Member please state:

- (a) how many Jews have entered India during the year 1938 and in January 1939;
- (b) the country or countries of their origin from which they come; and
- (c) whether Government have given any assistance to them in any shape?

The Honourable Mr. R. M. Maxwell: With your permission, Sir, I propose to answer questions Nos. 240 and 256 together.

(a) Government have no precise information regarding the number of Jewish refugees who have entered India or regarding the country or countries of their origin. To give precise information an elaborate enquiry would be necessary, because immigrants are admitted into India, if they are in possession of valid passports, without enquiry as to whether they are Jews or not. Further, Government have no information readily available as to how many immigrants from a specific country are refugees and

how many are casual visitors, and although the cases of apparently destitute persons are generally referred to the Government of India by Consular and passport issuing authorities, such references are not invariably made, nor do persons in respect of whom a reference is made invariably enter India.

(b) The broad position is that Government have given no relief in any form, but it permits refugees to enter India if they are not undesirable and are able to obtain such guarantees for maintenance from persons, preferably resident in India, as are reasonably sufficient to ensure that they will not become a charge upon Indian revenues.

(c) No scheme for assistance is in contemplation. But arrangements have recently been to admit Jewish refugees emanating from the dictatorship countries provided that they obtain a guarantee from the Council of German Jewry in England or from the branch at Bombay, which the Council of Jewry proposes to establish, to maintain them for five years, and, if unemployed at the end of that period to repatriate them to the United Kingdom. Persons in employment at the end of that period are to be regarded as standing on their own feet.

Mr. T. S. Avinashilingam Chettiar: May I ask how many have come under the last arrangement that the Honourable Member mentioned?

The Honourable Mr. R. M. Maxwell: I am not aware whether any have come yet. We have not been approached yet by the Bombay Council.

Mr. M. Ananthasayanam Ayyangar: May I know if a passport is not insisted upon from every immigrant who comes to India and whether from those passports a calculation could not be made regarding the number of Jews who have entered into India during 1938-39?

The Honourable Mr. R. M. Maxwell: These passports are based on nationality and not on racial distinctions.

Mr. Manu Subedar: Have any Jews been repatriated from this country?

The Honourable Mr. R. M. Maxwell: Not so far as I am aware.

CUT ON THE SALARIES OF GOVERNMENT SERVANTS.

241. *Sardar Mangal Singh: Will the Honourable the Finance Member please state:

(a) whether Government contemplate imposing a sliding scale cut on salaries of Government officials from the next financial year; and

(b) whether Government propose to see that the proposed cut will not be imposed on salaries below Rs. 300?

The Honourable Sir James Grigg: With your permission, Sir, I will answer questions Nos. 241 and 257 together.

I would refer the Honourable Member to the answers I gave to certain supplementary questions arising out of the answers to starred questions Nos. 1242 and 1268 asked by Mr. Satyamurti on the 15th November, 1938.

Mr. S. Satyamurti: Have Government any such intention at présent? Apart from what the Honourable Member may say in his Budget speech, may I ask whether the Government have any intention of imposing a cut on salaries of Government servants?

The Honourable Sir James Grigg: If the Honourable Member does not like the answer that he must wait for my Budget speech, then I am sorry I cannot give him any answer.

SCHEME FOR AIR RAID PRECAUTIONS.

242. *Sardar Mangal Singh: (a) Will the Honourable the Home Member please state whether Government have prepared any All-India scheme about Air Raid Precautions?

(b) What would be the probable cost, and how will it be met?

(c) Will the Provincial Governments be required to share the burden of expenditure, or will the whole expenditure be met from the military budget?

The Honourable Mr. R. M. Maxwell: (a) Air raid precautions fall under two heads, active and passive. Active defence against air raids is a military measure and it would not be in the public interest to disclose the steps which are being taken. Passive air raid precautions, *e.g.*, protection of the civil populace against the results of air raids, involve action which is primarily the responsibility of Provincial Governments. The conclusions of the Committee referred to in the answer given in the Council of State on September 5th, 1938, to the Honourable Rai Bahadur Lala Ram Saran Das' question No. 2 have been communicated to Provincial Governments concerned and they have been invited to make a survey of their own position. I understand that they are taking certain measures in this connexion.

(b) and (c). No estimate of the probable cost is possible at this stage, but the measures recommended by the Government of India are not such as need involve any authority in any appreciable expenditure at present. Such as is incurred will be borne, either separately or jointly as the case may be, by the Government or local body directly responsible for the measures taken.

Mr. M. Thirumala Rao: The Honourable Member said that the active precautions are in the hands of the military and the passive precautions are in the hands of the local Governments. May I ask if there is any machinery to co-ordinate these two activities?

The Honourable Mr. R. M. Maxwell: The military authorities at the centres of various Provincial Governments co-operate with them in helping them to get their passive schemes into proper shape.

Mr. T. S. Avinashilingam Chettiar: May I ask whether the Government can give us the main steps that the Provincial Governments have taken in this respect?

The Honourable Mr. R. M. Maxwell: What the Provincial Governments have been advised to get on with is, firstly, the organisation of area and sub-area committees, including the representation of Central Departments

upon them; secondly, the preparation of local schemes for all places considered likely to be subject to air attack, and thirdly the selection and earmarking of personnel and buildings required in connection with air raid precautions. Further, they have to provide for the training of a nucleus of instructors for provinces in the areas which are considered vulnerable. Then, again, the organisation of the air raid warning system and lighting restrictions and, finally, the education of the public.

Mr. S. Satyamurti: Are there any proposals for constructing any shelters against possible air raids in sea ports, such as, Bombay, Calcutta and Madras, as they are doing in England?

The Honourable Mr. R. M. Maxwell: Such matters would hardly arise at this stage.

Sardar Mangal Singh: May I ask if any precautions are being taken to protect Delhi from air raid?

The Honourable Mr. R. M. Maxwell: No, Sir. Delhi is not considered a vulnerable area.

Mr. K. Santhanam: May I ask if the Government of India have in mind the preparation of a pamphlet giving instructions to the public in the event of air raids?

The Honourable Mr. R. M. Maxwell: I understand the Provincial Governments are attending to that.

RESTRICTION ON THE ENTRY INTO INDIA OF SARDAR AJIT SINGH.

243. *Sardar Mangal Singh: Will the Honourable the Home Member please state:

- (a) whether there is any restriction on the entry into India of Sardar Ajit Singh; and
- (b) whether he has sent any communication to the Government of India expressing his desire to come back to India?

The Honourable Mr. R. M. Maxwell: (a) and (b). He is a naturalised Brazilian subject and, as far as the Government of India are aware, has never applied for a *visa* for India. The matter will be considered if he does so.

Sardar Mangal Singh: May I ask if there is any restriction against his entry?

The Honourable Mr. R. M. Maxwell: Any foreigner can only enter into India if he has a proper *visa* on his passport, and he has got to apply for that.

RELEASE OF POLITICAL EXILES.

244. *Mr. Akhil Chandra Datta: (a) Will the Honourable the Home Member please state whether the United Provinces Government have recommended the release of the people who had been exiled for political reasons?

(b) If so, what action has been taken by the Government of India on those recommendations?

(c) If no action has yet been taken, what action, if any, do Government propose to take with regard to the release of those political exiles?

The Honourable Mr. R. M. Maxwell: (a), (b) and (c). I would invite the Honourable Member's attention to the reply given by me on the 6th February, 1939, to Mr. M. Thirumala Rao's starred question No. 138.

CIRCULAR *RE* INCREASE IN THE MANUFACTURE OF ARMS AND AMMUNITION IN INDIA.

245. *Mr. Akhil Chandra Datta: (a) Will the Defence Secretary please state whether private circulars have been issued for increasing the manufacture of arms and ammunition in India?

(b) If so, when were they issued and with what object?

(c) Will Government place on the table of this House the full text of the said circular?

(d) Is it now the policy of Government to manufacture all arms and ammunition internally, so that, in the event of any war, India can do without arms and ammunition imported from outside?

(e) If so, when was that policy first formulated?

Mr. C. M. G. Ogilvie: (a) No.

(b) and (c). Do not arise.

(d) Yes, so far as it is practicable and economical to do so

(e) This has always been Government's policy.

APPEAL FROM THE FEDERAL COURT DECISION IN THE CENTRAL PROVINCES PETROL TAX ACT CASE.

246. *Sardar Mangal Singh: Will the Honourable the Finance Member please state:

(a) whether Government intend to appeal to the Privy Council against the decision of the Federal Court in the case of the Central Provinces Government *versus* the Government of India (about the Central Provinces Petrol Tax Act); and

(b) what would be the estimate of expenses of this appeal?

The Honourable Sir James Grigg: (a) and (b). The implications of the opinion given by the Federal Court are still under examination, and I am not in a position to make a statement on the subject.

Mr. S. Satyamurti: In the meantime, what is the position with regard to those Provincial Governments which want to proceed on the basis of the advice given by the Federal Court in this case?

The Honourable Sir James Grigg: I think the Honourable Member, being a lawyer, can answer that as well as I can.

Mr. S. Satyamurti: The Federal Court has merely advised in this case. I want to know whether the Government of India propose to accept the advice of the Federal Court or propose to appeal to the Privy Council.

The Honourable Sir James Grigg: That is precisely the question I cannot answer.

Mr. Manu Subedar: Have the Government of India any information as to the intention of Provincial Governments to impose sale taxes in various provinces?

The Honourable Sir James Grigg: I hope the Provincial Governments are not in the habit of proclaiming their budgetary intentions in advance.

INCLUSION OF PUSHTU IN THE INDIAN LANGUAGES FOR THE INDIAN CIVIL SERVICE EXAMINATION.

247. *Mr. Abdul Qaiyum: Will the Honourable the Home Member please state:

- (a) the Indian languages which a candidate can take up for the Indian Civil Service competitive examination;
- (b) whether such candidates are allowed to take up Pushtu for the said examination; and
- (c) if not, the reasons for this discrimination against Pushtu?

The Honourable Mr. R. M. Maxwell: (a) The information is contained in rules 14 to 16 of the Rules for the Indian Civil Service Examination held in India last month, a copy of which I lay on the table.

(b) No.

(c) Pushtu was included in the list of languages for the Indian Civil Service Examination in India in 1922 but as no candidate offered it for his examination, it was omitted in the following year. The question of including it again was considered in 1926 but was dropped on the advice of the Public Service Commission who pointed out that there was no demand for it on the part of candidates appearing at the examination, and that an addition to the already large number of vernacular languages included in the syllabus would not be justified on practical grounds.

HOME DEPARTMENT.

NOTIFICATION. ESTABLISHMENTS.

Simla, the 19th May 1938.

No. 33/38.—The following rules and instructions for the examination for the Indian Civil Service to be held in India during 1939, are published for general information.

E. CONRAN-SMITH,
Joint Secy. to the Govt. of India.

NOTICE.

A competitive examination for admission to the Indian Civil Service will be held under the following rules at Delhi beginning on the 4th January, 1939. Candidates accepted for admission to the examination will be informed at what place in Delhi and at what hour they should present themselves (a) for the written examination and (b) for the *viva voce* test.

The number of candidates to be selected at this examination will be announced later.

A candidate in British India or in Burma is required to submit his application through the Collector or Deputy Commissioner of his district* to the authority mentioned in Rule 3. No candidate will be admitted to the examination from whom the Collector or Deputy Commissioner* or the Political Officer or Agent has not received on or before the 15th July, 1938, an application on the prescribed form accompanied by the necessary documents. Copies of the application form may be obtained from the authority mentioned in Rule 3.

Any person who has appeared at an examination the passing of which will render him eligible to appear at the Indian Civil Service Examination, but has not been informed of the result, may apply for admission to the latter examination. A candidate who intends to appear at such a qualifying examination, may also apply, provided the qualifying examination is to be concluded before the commencement of the Indian Civil Service Examination. His application will be accepted provisionally if he is eligible in all other respects and he will be required to furnish before the 25th July, 1938, to the Chief Secretary to the Provincial Government, or thereafter to the Federal Public Service Commission, but not later than the date on which the results are ready for communication to the Government of India, proof of having passed such qualifying examination.

Candidates must have been born not earlier than the 2nd January, 1915, and not later than the 1st January, 1918. THESE AGE LIMITS CAN IN NO WAY BE RELAXED

No allegation that an application form or letter respecting such form has been lost or delayed in the post will be considered unless the person making such allegation produces a Post Office Certificate of Posting. Candidates who delay their applications until a late date will do so at their own risk.

A candidate for whom a declaration under Section 262 (3) of the Government of India Act, 1935, is necessary [see Rule 4 (b)] should take immediate steps to obtain the requisite declaration. He will not be appointed unless he has obtained the declaration.

Candidates should state the name of the examination for which they have applied in all correspondence with the Federal Public Service Commission.

Rules for Competitive Examinations for the Indian Civil Service to be held in India.

The following Rules made by the Secretary of State for India, are liable to alteration from year to year :

(1) A competitive examination for admission to the Indian Civil Service shall be held in India at such time and place as the Governor General in Council may direct.

(2) The maximum number of candidates to be admitted to the examination may in the discretion of the Governor General in Council be limited to such number not being less than 200 as the Governor General in Council may decide. If a limit is imposed and the number of candidates exceeds that limit the Federal Public Service Commission shall select from among the applicants those who shall be admitted to the examination and shall have regard in so doing to the suitability of the applicants for the Indian Civil Service and to the adequate representation of the various provinces of India.

(3) (i) A candidate shall apply to be admitted to the examination before such date and in such manner and in such form as the Governor General in Council may prescribe. The application shall be made to the proper authority of the area in which his parents reside at the time of the application or of an area in which they have previously resided for a period of not less than three years or in which he has himself resided, otherwise than as a student at a university only, for a like period.

(ii) The proper authority shall be, for a Governor's province or for Burma, the Chief Secretary, for Coorg, Delhi, Ajmer-Merwara, Andaman and Nicobar Islands, British Baluchistan and Panth Piploda, the Chief Commissioner and for a State in India the Political Officer or Agent who shall be addressed through the Durbar.

*In the case of Calcutta, the Commissioner of Police.

(iii) No candidate shall make more than one application in respect of any one examination.

(4) A candidate must be a male and either—

(a) a British subject of Indian domicile or of European or Indian descent domiciled in Burma whose father (if alive) is a British subject or a subject of a State in India, or (if dead) was at the time of his death either a British subject or a subject of a State in India or a person in the permanent service of the Crown or a person who had retired from that Service; or

(b) a Ruler or a subject of a State in India in respect of whom the Governor General in Council has made a declaration under Section 262 (3) of the Government of India Act, 1935 :

Provided that in the case of a male British subject the requirements of this rule may be waived by the Secretary of State in Council if he is satisfied that their observance would occasion exceptional hardship and the candidate is so closely connected by ancestry and upbringing with His Majesty's dominions as to justify special treatment.

(5) A candidate must have attained the age of 21 and must not have attained the age of 24 on the first day of January in the year in which the examination is held.

(6) A candidate must be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of the duties of a member of the Indian Civil Service. A candidate who is found after examination by a Medical Board not to satisfy these requirements will not be selected for probation.

(7) A candidate must satisfy the Federal Public Service Commission that his character is such as to qualify him for employment in the Indian Civil Service :

Provided that, if a candidate's application to take a previous examination for admission to the service has been rejected by the Civil Service Commissioners on the ground that his employment in the service would be detrimental to the public interest, the Federal Public Service Commission shall not admit that candidate to a subsequent examination, unless since his rejection, new facts favourable to him have been brought to light and are, in the opinion of the Federal Public Service Commission, sufficient to justify his admission.

(8) The decision of the Federal Public Service Commission as to the eligibility or otherwise of a candidate shall be final.

(9) *A candidate must hold a degree of a university approved by the Governor General in Council, or the senior diploma of the Mayo College, Ajmer. The degree held by a candidate must be a degree in arts, science, or letters and a degree held in a professional or vocational subject shall not qualify him for admission to the examination. Any question whether a degree held by the candidate is of a nature qualifying him for admission to the examination shall be decided by the Federal Public Service Commission, whose decision shall be final.

In exceptional cases the Federal Public Service Commission may, on the recommendation of the Provincial Government, treat as a qualified candidate a candidate who though not possessing any of the foregoing qualifications, has passed examinations conducted by other institutions of a standard which, in the opinion of the Federal Public Service Commission, justifies his admission to the examination.

(10) No candidate shall be admitted to the examination unless he holds a certificate of admission from the Federal Public Service Commission.

(11) No recommendations except those invited in the form of application will be taken into consideration. Any attempt on the part of a candidate to obtain support for his application by other means may disqualify him for admission.

(12) Candidates must pay the following fees :

A.—To the Federal Public Service Commission :

(i) Rs. 20 with the application form,

(ii) if accepted for admission to the examination Rs. 80 immediately after the receipt of the certificate of admission.

[Only Treasury Receipts (Indian or Burman) for these amounts will be accepted by the Federal Public Service Commission.]

These fees will not be refunded in any circumstances whatever nor will they be held in reserve for subsequent examinations or selections.

B—To the Provincial Government—

(iii) Rs. 16 before examination by a Medical Board in the case of successful candidates.

(13) The examination will include the following subjects. Each subject will carry the number of marks shown against it.

SECTION A. —To be taken by all candidates.

	Marks.
1. Essay	150
2. English	150
3. General Knowledge	100
4. Vernacular Language	100

SECTION B. Candidates are allowed to take up subjects in this section up to a total of 800 marks.

Languages and Civilisations.

	Marks.
5. Arabic Language	200
6. Arabic Civilisation	200
7. Persian Language	200
8. Persian Civilisation	200
9. Sanskrit Language	200
10. Sanskrit Civilisation	200
11. Pali Language	200
12. Pali Civilisation	200
13. Vernacular Literature	200
* { 14. English Literature (General)	200
15. English Literature (Period 1)	100
16. English Literature (Period 2)	100
17. English Literature (Period 3)	100
18. English Literature (Period 4)	100
19. Latin Language	100

History, Economics, Politics, Law and Philosophy.

	Marks.
20. Indian History (Period 1).	100
21. Indian History (Period 2).	100
22. Indian History (Period 3).	100
23. Modern European History (Period 1)	100
24. Modern European History (Period 2)	100
25. British History (Period 1)	100
26. British History (Period 2)	100
27. British History (Period 3)	100
28. General Economics	200
29. Economic History	100
30. Public Economics	100
31. Political Theory	100
32. Political Organisation	100
33. Law	200
34. Moral Philosophy	100
35. Metaphysics	100
36. Logic	100

* See rule (17) below.

Mathematics and Science.

	Marks.
37. Lower Mathematics, Pure and Applied	200
38. Higher Mathematics, Pure	200
39. Higher Mathematics, Applied	200
40. Lower Chemistry	200
41. Higher Chemistry	200
42. Lower Physics	200
43. Higher Physics	200
44. Lower Botany	200
45. Higher Botany	200
46. Lower Geology	200
47. Higher Geology	200
48. Lower Physiology	200
49. Higher Physiology	200
50. Lower Zoology	200
51. Higher Zoology	200
52. Advanced Geography	200
53. Astronomy	100
54. Statistics	100
55. Psychology (including Experimental Psychology)	100
56. Social Anthropology	100

SECTION C.

	Marks.
57. <i>Viva Voce</i> (vide Rule 24)	300

(14) In subject 4 (Vernacular Language) a candidate may offer any one of the following languages :—Assamese, Bengali, Burmese, Gujarati, Hindi, Kanarese, Malayalam, Marathi, Oriya, Punjabi (Gurmukhi), Sindhi, Tamil, Telugu, Urdu.

(15) The Civilisation (subjects 6, 8, 10 and 12) associated with a language can only be taken by candidates who also offer the language itself.

(16) In subject 13 (Vernacular Literature) a candidate may offer the literature of any one of the following languages :—Bengali, Burmese, Gujarati, Hindi, Marathi, Punjabi (Gurmukhi), Tamil, Telugu, Urdu.

(17) In English Literature (subjects 14 to 18 inclusive) a candidate may not offer subjects carrying a total of more than four hundred marks. Thus a candidate who offers English Literature (General) (subject 14) may not offer more than two periods of English Literature (subjects 15 to 18).

(18) Candidates who offer a natural science subject (subjects 40 to 51) must produce a certificate that subsequent to the passing of the Intermediate or an equivalent examination they have undergone laboratory training for a period of one year in an institution authorised to prepare candidates in the subject for a University degree or for some other qualification accepted by the Federal Public Service Commission as of adequate standard. *The certificate must be signed by the head of the institution.*

(19) Candidates who offer Advanced Geography (subject 52) must produce a certificate that subsequent to the passing of the Intermediate or an equivalent examination they have undergone practical training in that subject for a period of one year in an institution authorised to prepare candidates in the subject for a University degree or for some other qualification accepted by the Federal Public Service Commission as of adequate standard. *The certificate must be signed by the head of the institution.*

(20) Candidates who offer Astronomy (subject 53) must satisfy the Federal Public Service Commission that they have been trained in an Astronomical observatory for a period of at least three months or have had other experience of the use of the Astronomical instruments.

(21) From the marks assigned to candidates in each subject, such deduction will be made as the Federal Public Service Commission may consider necessary in order to secure that no credit is allowed for merely superficial knowledge.

(22) If a candidate's handwriting is not easily legible, a deduction, which may be of considerable amount, will be made on this account from the total marks otherwise accruing to him.

(23) Credit will be given for good English, including orderly, effective and exact expression combined with due economy of words, in all the subjects of the examination and not only in subjects 1 and 2 which are specially devoted to the English language.

(24) Candidates must obtain such a mark in the *viva voce* (subject 57) and such an aggregate of marks in the written tests as to satisfy the Federal Public Service Commission. If, owing to the large numbers of candidates appearing, the Commission consider it impracticable to examine all candidates in *viva voce*, the Commission may, in their discretion, after the written marks have been compiled, summon for examination in *viva voce* only those candidates who have obtained in the written test the qualifying marks prescribed above. The marks for the written test of such candidates shall not be disclosed to the interview board.

(25) A list of the competitors shall be made out in order of their proficiency as disclosed by the aggregate marks finally awarded to each competitor, and in that order, so many competitors, up to the determined number of appointments* as are found by the Federal Public Service Commission to be qualified by examination, shall be designated to be Probationers for the Indian Civil Service, provided that the Governor General of India in Council is satisfied that they are duly qualified in other respects. The Governor General in Council may, however, at any time prior to the commencement of the period of probation, institute, or cause to be instituted, such further enquiries as he may deem necessary as to the qualifications of any candidate in respect of nationality, age, health, character or conduct, and if the result of such enquiries is in the opinion of the Governor General in Council unsatisfactory in any of those respects, the candidate may be declared disqualified. Should any Probationer become disqualified, the Secretary of State for India will determine whether the vacancy thus created shall be filled or not.

(26) The period of probation will be for one year in the United Kingdom

(27) Any rules for the regulation of admission to the Indian Civil Service through competitive examinations held in India which are in force at the time these rules come into operation are hereby repealed.

Note to Rule (9). The following universities have been approved by the Governor General in Council, viz.,

Indian Universities.

Any University incorporated by an Act of the Central or a Provincial Legislature in India.

The Mysore University.

The Osmania University.

The Rangoon University.

English and Welsh Universities.

The Universities of Birmingham, Bristol, Cambridge, Durham, Leeds, Liverpool, London, Manchester, Oxford, Sheffield and Wales.

Scotch Universities.

The Universities of Aberdeen, Edinburgh, Glasgow and St. Andrews.

Irish Universities.

The University of Dublin (Trinity College)

The Queen's University of Belfast.

*The number of appointments which will be announced for competition will not represent the total number of vacancies to be filled in India, as certain vacancies will be reserved in accordance with paragraph 7 of the Home Department Resolution No. F. 14/17B./33-Ests., dated the 4th July, 1934, and will be filled, if necessary, by nomination for the purpose of adjusting communal inequalities which may arise from the results of the competitive examinations in London and India.

Syllabus for the Indian Civil Service Competitive Examination to be held in India.

1. *Essay*.—An essay to be written in English on one of several specified subjects.
 2. *English*.—Questions to test the understanding of and the power to write English.
 3. *General Knowledge*—including knowledge of current events and of matters of everyday observation and experience in their scientific aspects as may be expected of an educated man who has not made a special study of any scientific subject.
 4. *Vernacular language* [see Rule (14)].—The test will include translation from the language, set composition in which an English passage is given to be put into the language, and free composition in which the candidate writes in the language in his own words on a prescribed subject.
 - 5—12. *Languages and Civilisation*.—Candidates will be expected to show a knowledge of the language and its literature. The papers on civilisation will test the knowledge of geography, history, and social, political and religious evolution and developments. Questions may be set which require an acquaintance with archaeological discoveries.
 5. *Arabic Language*.—Translation from Arabic into English and from English into Arabic and composition in Arabic on one or more specified subjects. The classical language must be used.
 6. *Arabic Civilisation*.—History and literature of the Arabs and Muslim Philosophy with special reference to the period from the middle of the 6th Century A.D. to the middle of the 13th Century A.D. Candidates offering this subject are expected to show a familiarity with the whole subject and not to restrict themselves to the special period.
 7. *Persian Language*.—Translation from Persian into English and from English into Persian and composition in Persian on one or more specified subjects. The classical language must be used.
 8. *Persian Civilisation*.—Persian history and literature with special reference to the period 1000 A.D. to 1500 A.D. Candidates offering this subject are expected to show a familiarity with the whole subject and not to restrict themselves to the special period.
 9. *Sanskrit Language*.—Translation from Sanskrit into English and from English into Sanskrit and composition in Sanskrit on one or more specified subjects.
- Questions may be set on Vedic Grammar relating to grammatical forms occurring in the passages set for translation or to general grammatical questions suggested by them. Both Vedic and Classical Sanskrit passages may be set for translation: composition will be required in classical Sanskrit alone. A knowledge of the Prakrit used in plays will be expected. The Devanagari script must be used.
10. *Sanskrit Civilisation*.—The history of the Civilisation, Philosophy and thought of India from the Vedic period to 1200 A.D.
 11. *Pali Language*.—Translation from Pali into English and from English into Pali and composition in Pali on one or more specified subjects.
 12. *Pali Civilisation*.—The history of Buddhist Civilisation in India from the time of Buddha to 1000 A.D.
 13. *Vernacular Literature*.—Candidates will be expected to know the best known works in the vernacular though questions on works of lesser importance may be set. They will also be expected to possess a knowledge of the history of the literature and such knowledge of general social history as will enable them to understand the literature. Unless the instructions on the question paper are to the contrary, answers should be written in English.
 14. *English Literature—General*.—Candidates will be expected to show a general knowledge of the history of English Literature from the time of Chaucer to the end of the reign of Queen Victoria and to give evidence of wide reading in English Literature.
 - 15—18. *English Literature—Periods 1 to 4*.—Special attention should be paid to the authors named and a candidate will be expected to be familiar with some of their works.

A candidate will also be expected to have studied the literary history of this period, and to have done some independent reading outside the authors named. In marking the paper importance will be attached to evidence of wide reading and independent judgment.

Period 1, 1580 to 1680.—Spenser, Shakespeare. Milton, Bacon, Bunyan.

Period 2, 1680 to 1780.—Dryden, Pope, Gray, Addison, Swift, Fielding, Johnson, Sheridan, Burke.

Period 3, 1780 to 1832.—Scott, Wordsworth, Lamb, Keats, Shelley, Byron, Jane Austen.

Period 4, 1832 to 1901.—Macaulay, Carlyle, Dickens, Thackeray, the Brontës, Tennyson, Robert Browning, Matthew Arnold, R. L. Stevenson, Thomas Hardy.

19. *Latin Language.*—Translation from English into the language and from the language into English. Questions may be asked on the Grammar of the language.

HISTORY.—Subjects 20 to 27.—Candidates in these subjects should be acquainted with geography in its relation to history and be prepared to draw sketch maps. When a fixed date is given for the beginning of a period candidates will be expected to know in general outline how the initial position was reached. Questions may be asked to test the candidates's knowledge of original sources.

20. *Indian History.—Period 1.*—India from the first Aryan immigration to the end of the 12th century. Questions may also be set on the history of Buddhism outside of India.

21. *Indian History.—Period 2.*—India from the beginning of the 11th century to 1748 (death of the Mogul Muhammad Shah). Questions may also be set on the contemporary history of the principal Moslem powers outside of India.

22. *Indian History.—Period 3.*—India during the British period from 1600 to 1919 together with the contemporary history of the British Empire.

23 and 24. *Modern European History—*

Period 1, 1453–1740.

Period 2, 1740–1920.

Questions may be asked on the history of countries outside Europe so far as a knowledge of that history is necessary to the understanding of European History.

25. *British History.—Period 1, 1485–1714.*

26. *British History.—Period 2, 1714–1815.*

27. *British History.—Period 3, 1815–present day.*

28. *General Economics.*—Candidates will be expected to have a knowledge of economic theory and should be prepared both to illustrate the theory by the facts and to analyse the facts by the help of the theory. Questions may be set on the history of economic thought.

29. *Economic History.*—Candidates will be expected to have a knowledge of both British and Indian economic history with special reference to the economic development of India during the British period; such knowledge will be expected of conditions in other countries as is necessary for the understanding of the subject.

30. *Public Economics.*—A knowledge will be expected of the main forms of State action, central and local in the economic sphere, and of public finance.

31. *Political Theory.*—Candidates will be expected to show a knowledge of political theory and its history, political theory being understood to mean not only the theory of legislation but also the general history of the State and its connection with kindred studies such as Jurisprudence, Public International Law and Economics. A knowledge of original authorities is required.

32. *Political Organisation.*—Constitutional Forms (Representative Government, Federalism, etc.) and Public Administration, central and local. Candidates will be expected to understand the origin and development of existing institutions.

33. *Law.*—Constitutional Law of the British Empire, Jurisprudence, Torts, Indian Law of Contract, Indian Evidence Act, Indian Penal Code.

34. *Moral Philosophy.*—The subject covers the history and the theory of Ethics, Eastern and Western, and includes moral standards and their application, the problems of moral order and progress of Society and the State, and theories of punishment.

35. *Metaphysics*.—The subject covers the history of Western Philosophy and should be studied with special reference to the problems of space, time and casualty, evolution and value, the nature of God.

36. *Logic*.—Formal logic, scientific method, epistemology in its bearing on logical problems and the history of logic. Questions may be set on the logic of mathematics, symbolic logic and the logic of probability.

37. *Lower Mathematics, Pure and Applied*.—Logarithms, numerical equations, graphs, approximation, infinite series, complex numbers, solution of triangles.

Geometry in two and three dimensions according to the method of Euclid. Analytical geometry in two dimensions (method of Descarte). The construction of plans, elevations and sections of solid bodies (method of Monge). The method of vectors, including scalar and vector products with applications to the other parts of Lower Mathematics.

Differential co-efficients, maxima and minima, integrals, the application of the infinitesimal calculus to curves.

Projectiles, harmonic motion, momentum, energy, power, Equilibrium of rigid bodies in two dimensions, link polygons, virtual work. Simple machines, *e.g.*, tackle cranes, engine governors, brakes. Fluid pressure expansion of a perfect gas, air pump.

38. *Higher Mathematics, Pure :*

Lower Pure Mathematics together with—

The Geometry of Curves and Surfaces Elementary analysis, including simple functions of a complex variable and contour integration. Differential equation in one independent variable; elementary treatment of partial differential equations with special reference to the differential equations of mathematical physics Existence theorems are excluded.

Calculus of Finite Differences including Numerical Integration and summation of Linear Differential Equations.

39. *Higher Mathematics, Applied :*

Lower Applied Mathematics together with Statics (Advanced) including graphical treatment. Dynamics to the Equations of Euler and Lagrange and including the theory of the vibration of strings and other simple systems.

Hydrodynamics including the elementary theory of the motion of solids through a liquid, and surface waves.

Electricity and Magnetism.

Thermodynamics Kinetic theory of gases radiation.

NATURAL SCIENCE.—Subjects 40 to 51.

40. *Lower Chemistry.*

41. *Higher Chemistry.*

42. *Lower Physics.*

43. *Higher Physics.*

44 and 45. *Lower and Higher Botany*.—Botany includes vegetable physiology

46 and 47. *Lower and Higher Geology*.—Geology includes mineralogy.

48. *Lower Physiology.*

49. *Higher Physiology.*

50. *Lower Zoology.*

51. *Higher Zoology.*

52. *Advanced Geography*.—Geography of the world with special reference to India. Questions may be set on topics which concern geography jointly with other subjects such as economics, history physics, botany and geology. There will be a practical test, which will necessitate a knowledge of cartographical methods and notations, and for this test drawing instruments may be required.

53. *Astronomy*.—Celestial co-ordinates, spherical triangles. Astronomical instruments. Time, longitude, latitude, Orbital motion of the earth, aberration, Precession, nutation, libration, parallax Celestial mechanics, solar system. Eclipses. Atmospheric refraction.

The stars and constellations. Nautical Almanac. Descriptive discussion of sun, moon, planets. Descriptive discussion of double stars, nebulae, clusters, variable stars, comets. Star magnitudes and distances. Stellar movements.

Application of spectroscopy to astronomy. Solar spectrum. Star spectra and classification.

The temperature's absolute magnitudes and diameters of stars.

54. *Statistics*.—(1) Frequency distributions averages, percentiles, and simple methods of measuring dispersion, graphic methods, treatment of qualitative data, e.g., investigation of association by comparison of ratios, the practice of graphic and algebraic methods of interpolation.

(2) Practical methods used in the analysis and interpretation of statistics of prices, wages and incomes, trade, transport, production and consumption, education, etc., methods of dealing with population and vital statistics, miscellaneous methods used in handling statistics of experiments or observations.

(3) Elements of modern mathematical theory of statistics, frequency curves and the mathematical representation of groups generally, accuracy of sampling as affecting averages, percentages, the standard deviation, significance of observed differences between averages of groups, etc., the theory of correlation for two variables.

55. *Psychology (including Experimental Psychology)*.—Questions on Experimental Psychology and on the History of Psychology may be set

56. *Social Anthropology*.—The subject should be studied with special, but not exclusive, reference to peoples of rude culture and to prehistoric civilisation.

57. *Viva Voce*.—The candidate will be interviewed by a Board who will have before them a record of his career. He will be asked questions on matters of general interest. The object of the interview is to assess his suitability for the Service for which he is entered, and in framing their assessment the Board will attach particular importance to his intelligence and alertness, his vigour and strength of character, and his potential qualities of leadership.

Mr. Abdul Qaiyum: Is the Honourable Member aware that among the languages which are already included, and in which candidates can appear, there are several in which candidates have never offered themselves for examination?

The Honourable Mr. R. M. Maxwell: I am not aware of that, but that is an additional reason for not adding to their number.

Mr. Abdul Qaiyum: Is the Honourable Member aware that Pushtu has become now the language of instruction in the North-West Frontier Province as well as throughout Afghanistan and there is a demand for the inclusion of Pushtu?

The Honourable Mr. R. M. Maxwell: I hear the Honourable Member say so.

Mr. Abdul Qaiyum: May I know the methods and the means whereby we can satisfy the Honourable Member that there is a demand for such a thing? How are we to satisfy the Honourable Member that there is a demand if he would not take my word for it?

The Honourable Mr. R. M. Maxwell: If the Provincial Government wish to make any representation on the subject, no doubt it will again be considered. But I must point out that there are good many practical reasons against multiplying the number of subjects which are taken in the examination.

Mr. Abdul Qaiyum: I only want one language to be included, so that our boys are not handicapped.

The Honourable Mr. R. M. Maxwell: That would give rise to questions affecting good many languages, such as, Assamese and Kaniarese, and various other languages.

Mr. M. Ananthasayanam Ayyangar: May I request you, Sir, that the Honourable Member ought not to use the word "vernacular" and that it ought to be deleted? The Government of India have said in the *Gazette of India* that the word "vernacular" ought not to be used.

The Honourable Mr. R. M. Maxwell: I was merely quoting a communication which the Public Service Commission addressed to us before this new rule came into force.

Mr. M. Ananthasayanam Ayyangar: May I ask why the Public Service Commission

Mr. President (The Honourable Sir Abdur Rahim): We cannot have a discussion on this. The Home Member has said that he was only repeating what the Public Service Commission had used before the Circular was issued.

INCLUSION OF PUSHTU IN THE INDIAN LANGUAGES FOR THE INDIAN CIVIL SERVICE EXAMINATION.

248. *Mr. Abdul Qaiyum: Will the Honourable the Home Member please state:

- (a) the last occasion on which the claims of various languages were considered for Indian Civil Service competitive examination;
- (b) whether claims of the Pushtu language were considered at the time;
- (c) the next date on which rules regarding Indian Civil Service competition are likely to be considered and revised;
- (d) whether he proposes to take steps to include Pushtu among such Indian languages; and
- (e) whether he is aware of the fact that the Pathans in the Province and Tribal Areas resent the fact of non-inclusion of Pushtu?

The Honourable Mr. R. M. Maxwell: (a) to (c). Rules for the Indian Civil Service Examination in India are amended from time to time when necessary, and fresh rules are issued for the examination every year. There is no particular occasion when the claims of languages for inclusion in the list of subjects are considered. If any claims or representations are made, they are considered by the Government of India in consultation with the Federal Public Service Commission after the views of the Provincial Government concerned have been obtained and submitted for the orders of the Secretary of State when necessary.

(d) No. I would refer the Honourable Member to my reply to his starred question No. 247 asked today.

(e) No.

NEW APPOINTMENTS CREATED IN THE GOVERNMENT OF INDIA.

249. *Mr. K. Santhanam: Will the Honourable the Finance Member please state:

- (a) the number of new appointments created in the Government of India within the last six months carrying a salary of more than Rs. 2,000 per month;
- (b) the present incumbents of these posts and their respective salaries; and
- (c) the justification for the creation of each such post?

The Honourable Sir James Grigg: I lay on the table of the House a statement giving the required information.

Statement showing the new appointments created in the Government of India carrying a salary of more than Rs. 2,000 per mensem.

Department.	Appointments created.	Incumbents.	Salary per mensem.	Why created.
Finance Department.	Establishment Officer (for one year in the first instance, but likely to be extended).	Mr. N. J. Roughton, C.S.I., C.I.E., I.C.S.	Rs. 3,000 <i>plus</i> overseas pay £13-6-8.	To perform the duties assigned to the establishment officer in connection with the recruitment of superior officers to the Secretariat, and with the formation and administration of the Finance and Commerce Departments Pool of Officers.
	Joint Secretary (temporary).	Sir Alan Lloyd, C.S.I., C.I.E., I.C.S.	Rs. 3,750	The officer is to report on the feasibility of the imposition of death duties.
Department of Communications.	Officer on Special Duty (temporary from 17th to 19th September, 1938).	The Hon'ble Mr. A. G. Clow, C.S.I., C.I.E., I.C.S.	Rs. 4,000	The post was created on the reversion of the Hon'ble Mr. Clow from the office of the Hon'ble Member of the Viceroy's Executive Council to enable him to remain a Member of the Legislative Assembly until the end of the debate on the Motor Vehicles Bill.
Home Department	Deputy Secretary	Mr. C. J. W. Lillie, I.C.S.	Pay Rs. 2,000 Special pay Rs. 400. Overseas pay £30.	To replace the post of Joint Secretary which was abolished on the creation of the Governor General's Secretariat (Public).
Department of Commerce.	Additional Joint Secretary (temporary for six days only).	Mr. S. N. Gupta, C.I.E., I.C.S.	Rs. 3,000 <i>plus</i> overseas pay £13-6-8.	For work in connection with the Indo-British Trade Negotiations.
	Additional Deputy Secretary (temporary for 3½ months with effect from the 6th January, 1939).	Mr. R. K. Nehru, I.C.S.	Rs. 2,300 per mensem. (Pay Rs. 1,600, Overseas pay Rs. 300, Special pay Rs. 400).	For work in connection with the Indo-British Trade Agreement and the heavy legislative programme in hand.
Defence Department.	Two Additional Secretaries.	*Mr. A. de C. Williams, C.I.E., I.C.S.	Rs. 4,000	} Co-ordination of the activities of the various Departments in relation to Defence.
		†Mr. J. D. Anderson, C.I.E., I.C.S.	Rs. 4,000	
Department of Education, Health and Lands.	Officer on Special Duty (temporary from 4th November, 1938 to 7th January, 1939).	Mr. John Sargent, M.A.	Rs. 3,000 <i>plus</i> £13-6-8.	To enable Mr. Sargent to familiarise himself with Indian conditions before taking over charge of the duties of the Educational Commissioner with the Government of India.

* Transferred to the Secretariat of the Governor General (Defence Co-ordination), with effect from the 16th December, 1938.

† Appointment terminated on 31st December, 1938.

Mr. T. S. Avinashilingam Chettiar: May I know the number of appointments?

The Honourable Sir James Grigg: Honourable Member will find that from the statement which I have laid on the table.

Mr. T. S. Avinashilingam Chettiar: I am only asking the number, and I submit to you, Sir, that the Honourable the Finance Member must be able to tell me the number of such appointments.

Mr. President (The Honourable Sir Abdur Rahim): There must be different kinds of appointments and unless the Honourable the Finance Member reads out the whole statement, he cannot give the number.

Mr. T. S. Avinashilingam Chettiar: I do not want details. I only want the number.

The Honourable Sir James Grigg: That would give extremely misleading information. One or two appointments were made for a few days only and I want the Honourable Member to take the trouble of reading the whole statement.

GRIEVANCES OF SUCCESSFUL CANDIDATES OF THE MINISTERIAL SERVICE EXAMINATION.

250. *Mr. Badri Dutt Pande: (a) Has the attention of the Honourable the Home Member been drawn to an article "Recruitment of Clerks" published in the *Hindustan Times* of the 22nd December, 1938, pointing out the injustice done to some of the successful candidates of the ministerial examination held by the Federal Public Service Commission?

(b) Is it a fact that these candidates were given to understand "that appointments would be offered in the strict order of merit, subject to communal reservations, that the first 30 candidates would get permanent appointments and from 31 to 50 quasi-permanent appointments, and temporary vacancies would be offered to the candidates lower down in the list"?

(c) How is it that after eight months only the first four or five candidates have been offered permanent appointments, or the next 24 or 25 candidates have been passed over and candidates following have been offered appointments?

The Honourable Mr. R. M. Maxwell: (a) I have seen the article.

(b) It was announced that candidates would be placed in the order of their merit in the examination and would be offered posts as vacancies occurred, subject to communal considerations. The actual number of vacancies was not specified.

(c) In accordance with the existing system of posting, a certain number of candidates above a certain position in the list are earmarked for permanent vacancies and those below that position are offered quasi-permanent vacancies. As a result of past experience, the first 27 candidates in the general list for the 1937 examination were placed in the former category and nomination to quasi-permanent vacancies was started from below that number. Recent orders for the strictest economy in all Departments of

the Government of India have resulted in a reduction in the number of permanent vacancies. So far only 16 of the first 27 candidates have been provided for. The remaining eleven will be offered vacancies up to the end of March and if any of them are not so provided for they will be carried over into next year.

COMMUNICATIONS FROM THE PROVINCIAL GOVERNMENTS FOR REVISION OR REPEAL OF SECTION 49 OF THE INDIAN INCOME-TAX (AMENDMENT) BILL.

251. *Mr. S. Satyamurti: Will the Honourable the Finance Member please state:

- (a) the number and names of Provincial Governments which have communicated with him by telegram or by letter, with reference to section 49 of the Indian Income-tax Act and the need for radically revising or repealing the same in the present Income-tax Amendment Bill;
- (b) the nature of these communications; and
- (c) whether the Honourable Member has taken any action thereon; if so, what that action is?

The Honourable Sir James Grigg: (a) and (b). I think this information has already appeared in the Press.

(c) I would refer the Honourable Member to my speeches in the Legislative Assembly on the 16th and 26th November, 1938.

Mr. S. Satyamurti: Has any information with regard to the number and names of Provincial Governments which communicated with him been sent to the Press by or on behalf of the Government of India?

The Honourable Sir James Grigg: No, Sir.

Mr. S. Satyamurti: May I know whether the information that appeared in the Press is accepted as correct by the Government?

The Honourable Sir James Grigg: I should have to refresh my memory.

Mr. S. Satyamurti: Have practically all the Provincial Governments addressed the Government of India for repealing or radically altering the whole of this section 49?

The Honourable Sir James Grigg: I think all the Governments or most of the Governments under the influence of the Congress High Command sent a communication.

Mr. S. Satyamurti: Have Government paid any attention to that recommendation or turned it down, because it was made under the influence of the Congress High Command and not under the influence of the Government of India?

The Honourable Sir James Grigg: The Honourable Member will learn the answer if he refers to the speeches which I referred to just now.

Mr. T. S. Avinashilingam Chettiar: May we take it that the Governments which are not under the influence of the Congress High Command did not send any such communication?

The Honourable Sir James Grigg: The Honourable Member can take anything he likes.

Mr. T. S. Avinashilingam Chettiar: The Honourable Member said just now that most of the Governments under the influence of the Congress High Command have sent the communication. I want to know whether Governments which are not under the influence of the Congress High Command also sent such communications?

The Honourable Sir James Grigg: The Honourable Member can surely draw his own conclusion from a plain statement.

Mr. S. Satyamurti: May I take it that neither the Punjab Government nor the Bengal Government addressed the Government of India on this subject?

The Honourable Sir James Grigg: That is the same question.

Mr. S. Satyamurti: I want to know whether these two Governments addressed the Government of India on this matter at all.

The Honourable Sir James Grigg: That is answered by implication from my previous answer.

Mr. S. Satyamurti: Why not give a straight answer?

The Honourable Sir James Grigg: I prefer to put it in my own way.

INTERNAL SECURITY PURPOSES FOR MAINTENANCE OF TROOPS.

252. *Mr. S. Satyamurti: Will the Defence Secretary be pleased to state:

- (a) the internal security purposes for which troops are maintained in this country at the cost of the Government of India?
- (b) whether such internal security includes the security of Indian States as well;
- (c) if the answer to part (b) be in the affirmative, the reasons or the grounds for the maintenance of troops at the cost of the Government of India for this purpose; and
- (d) whether during the last three years such troops have been used for the purpose of India's internal security in Indian States?

Mr. C. M. G. Ogilvie: (a) The maintenance of law and order.

(b) Yes.

(c) Disorder in an Indian State may extend into neighbouring provincial areas. Further the Crown is under an obligation, derived from treaties and *sanads*, from usage and from the promise of the King Emperor to maintain unimpaired the privileges, rights and dignities of the Princes, to

protect the States against foes, foreign and domestic. The Government of India Act, 1935, expressly recognises the obligation. It must also be remembered that the States make a substantial contribution to the defence of India by the maintenance of State Forces.

(d) Yes.

Mr. S. Satyamurti: With reference to parts (b) and (c) of the question, may I ask for some elucidation? May I know whether the obligation to protect the Princes against internal disorder extends to an attempt on the part of the Princes to suppress non-violent movements for responsible government in the Indian States?

Mr. C. M. G. Ogilvie: I am unable to add to the statement that I have made and I do not propose in answer to supplementary questions to enter into a dispute with the Honourable Member about the rights and wrongs of non-violent movements.

Mr. S. Satyamurti: On a point of order, Sir. It is not open to any Honourable Member to say, "I do not propose to answer supplementary questions". It is for you to rule if those supplementary questions are in order, and, if they are, he can refuse to answer afterwards in public interest. He cannot threaten me by saying "I will not answer supplementary questions". That is surely want of courtesy to the House.

Mr. President (The Honourable Sir Abdur Rahim): He does not say that he will not answer. He only says that on certain subjects he does not propose to enter into a dispute.

Mr. S. Satyamurti: But that is the only subject I am asking.

Mr. President (The Honourable Sir Abdur Rahim): He is unable to answer that. The Honourable Member can ask him for the reasons.

Mr. S. Satyamurti: Will he say the reasons?

Mr. President (The Honourable Sir Abdur Rahim): He says on certain subjects he will not answer supplementary questions. It is for the Honourable Member to find out the reasons by putting questions.

Mr. S. Satyamurti: Can he say so in anticipation? I only want that no Member of the Government should get up and say, I am not going to answer supplementary questions.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may consider the answer unsatisfactory.

Mr. S. Satyamurti: I will leave it at that. May I ask my Honourable friend what are the purposes for which during the last three years troops have been sent to Indian States? If so, to which States?

Mr. C. M. G. Ogilvie: They have been sent for the maintenance of law and order and the States are, Nangaum, Dhenkanal and Ranpur.

Mr. S. Satyamurti: May I know in these cases what were the specific reasons for which these troops were sent? Were they sent at the request of the Indian Princes? What were the reasons for which they were sent, and who is bearing the cost of these troops?

Mr. C. M. G. Ogilvie: They were sent to maintain law and order. As to the question of cost, I require notice.

Mr. M. Asaf Ali: With reference to part (d) I understood the Honourable Member to say that the States are making a substantial contribution to the expenditure incurred on the defence of India. Is it not a fact that only about 48,000 troops are maintained by the Indian States for their own internal security and that they have nothing whatsoever to do with India's internal security.

Mr. C. M. G. Ogilvie: That may or may not be the case. I am not prepared to answer questions about the numbers of troops that the States maintain for their own internal security purposes, but they do also maintain troops which are at the disposal of the Government of India and which are generally known as Imperial service troops.

Mr. M. Asaf Ali: On which particular occasion have these Imperial service troops been asked to help the Government of India in internal security.

Mr. President (The Honourable Sir Abdur Rahim): That is a large question.

Mr. M. Asaf Ali: Have the Government of India ever called upon any of these States to send any of the so-called Imperial service troops for maintaining internal security in India?

Mr. C. M. G. Ogilvie: I should think not.

Mr. S. Satyamurti: What are the considerations on which the Government of India make up their minds to send or not to send these troops to Indian States? Have the Government of India seen the statement of Earl Winterton in the House of Commons to the effect that the Paramount Power will not stand in the way of granting of responsible government by the Rulers of the Indian States to their people? If so, why do Government send troops to those Indian States where people agitate for responsible government?

Mr. C. M. G. Ogilvie: I am unable to enter into an argument of policy about responsible government in answer to this question. The only way I can answer the Honourable Member is to say that troops were sent to the States to maintain law and order, to restore tranquillity which had been very rudely disturbed and which in one case had resulted in the brutal murder of a political officer.

Mr. K. Santhanam: May I know what has been the practice of the Government of India about recovering the cost of sending troops to protect the Indian States?

Mr. C. M. G. Ogilvie: I have already answered that question; I shall require notice.

Mr. M. Asaf Ali: Once again may I revert to the Honourable Member's answer to clause (d)? Are these States contributing a single penny to the expenditure which we incur on the defence forces in India, apart from maintaining the so-called Imperial service troops in their own States?

Mr. C. M. G. Ogilvie: I cannot see how that arises from this question.

Mr. President (The Honourable Sir Abdur Rahim): How does that arise?

Mr. M. Asaf Ali: The answer was that they were contributing a substantial amount, and I want to know how much they are contributing.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member apparently cannot answer that without notice.

COMPULSORY RETIREMENT OF GOVERNMENT SERVANTS AT THE AGE OF FIFTY-FIVE.

253. *Mr. S. Satyamurti: Will the Honourable the Finance Member please state:

- (a) whether in the Government of India there is a rule that all Government servants should retire compulsorily at the age of 55; if not, whether the attention of the Government of India has been drawn to the action of several Provincial Governments prescribing such a rule;
- (b) whether Government propose to consider the question of prescribing such a rule in the interests of public economy and relieving partially at least the unemployment among the educated men in the country; and
- (c) if not, why not?

The Honourable Sir James Grigg: (a) No. The retirement of different classes of Government servants is governed by the provisions of Fundamental Rule 56. So far as the Government of India are aware only the United Provinces Government have prescribed 55, as the age of compulsory retirement for all classes of Government servants.

(b) The Government of India recently examined the question in all its bearings and decided that future entrants to ministerial posts should be compulsorily retired on attaining the age of 55.

(c) Does not arise.

Mr. S. Satyamurti: May I know why the rule about compulsory retirement at 55 is confined to ministerial servants and does not extend to the superior services?

The Honourable Sir James Grigg: I am not quite sure,—I am bound to confess,—what exactly ministerial posts are. But I imagine that the reason is that the Government of India desire to avoid a large increase in the non-effective grant. If people retire while they are still fit for active service it will involve a large increase in the pension list.

Mr. S. Satyamurti: As relevant to that have Government considered that if people on higher salaries retire and freshmen are recruited at the bottom there will be a saving also? And have they taken those savings into consideration along with the possible pension charges and have they come to the conclusion, and if so on what grounds, that it is against economy to compulsorily retire all people at 55?

The Honourable Sir James Grigg: I understand that except for the Secretary of State's services, non-ministerial servants retire at 55 now. I think there is an exception in special circumstances, but that is the general rule.

EXPENDITURE ON MILITARY OPERATIONS ON THE NORTH-WEST FRONTIER.

254. *Mr. S. Satyamurti: Will the Defence Secretary be pleased to state:

- (a) the extra expenditure incurred on actual defence military operations apart from the Defence Department establishment on the operations on the North-West Frontier from 1st April to the latest date for which information is available with Government;
- (b) the main items on which such expenditure has been incurred;
- (c) whether preliminary sanction has been obtained from the Finance Department for all such extra expenditure; and
- (d) whether it is intended to cover this expenditure by reappropriations and, if so, to what extent or by supplemental demands; if so, to what extent and when these supplemental demands will be placed before this House?

Mr. C. M. G. Ogilvie: (a) I refer the Honourable Member to my reply to part (b) of starred question No. 101 asked by Mr. Abdul Qaiyum on the 6th instant.

(b) The main items on which extra expenditure has been incurred are extra establishment, transportation, special works and stores of all categories.

(c) Yes.

(d) Additional appropriation will be required to meet the extra expenditure. As, however, the expenditure is non-voted, the question of placing the supplementary demand before the House does not arise.

Mr. S. Satyamurti: Has this appropriation been sanctioned by the Finance Department already?

The Honourable Sir James Grigg: I expect so, but I must have notice.

Mr. S. Satyamurti: What is the practice? I want to know if expenditure is incurred in advance of appropriation being sanctioned or after sanction. Seeing that these are non-voted demands and do not come before the House I want to know whether they are treated merely as excess appropriations or treated as supplemental demands and sanction is obtained before expenditure is incurred.

The Honourable Sir James Grigg: If the Honourable Member wants to know whether the Finance Department will stop the operations until their sanction is obtained, no.

Mr. S. Satyamurti: I am not saying that. I am asking whether with regard to expenditure which is foreseeable and foreseen previous sanction of the Finance Department is always asked for and obtained before expenditure is incurred.

The Honourable Sir James Grigg: Before the operations are started, assuming that there is any option in the matter, the Finance Department or the Finance Member is consulted on the policy undertaken. After that, I am bound to say, the operations proceed to their conclusion and it is no good raising the question of sanction at any stage. The only question which can be raised is the Finance Member's raising the question of the desirability of going on with them.

Mr. S. Satyamurti: Then may I take it that the Finance Member gives sanction without counting the cost or without being told approximately what the cost of the operation is and he gives a *carte blanche* for the expenditure and sanctions it ultimately as a matter of course?

The Honourable Sir James Grigg: No, that is wrong.

Mr. S. Satyamurti: Does he get any estimate in the Finance Department as regards the cost of these operations?

The Honourable Sir James Grigg: In so far as estimates are possible, yes.

BAN ON THE RETURN OF RAJA MAHENDRA PRATAP TO INDIA.

†255. ***Sardar Mangal Singh:** Will the Honourable the Home Member please state:

- (a) whether the Government of India have received any communication from the United Provinces Government to the effect that Raja Mahindra Pratap be allowed to return to India;
- (b) whether the Government of India have received any communication from Raja Mahindra Pratap himself asking for permission to return to this country; and
- (c) what decision the Government of India have taken in this matter?

The Honourable Mr. R. M. Maxwell: (a) I would refer the Honourable Member to the reply given by me earlier today to Mr. Akhil Chandra Datta's question No. 244.

(b) Yes.

(c) The matter is under consideration.

†Answer to this question laid on the table, the questioner having exhausted his quota.

JEWES ENTERING INDIA.

†256. *Sardar Mangal Singh: Will the Honourable the Home Member please state:

- (a) the number of Jews refugees who have entered India from 1st October, 1938, to 31st January, 1939;
- (b) whether Government have given them any relief in any form; and
- (c) whether any scheme is in contemplation of the Government to give them any assistance in any form or shape?

CUT ON THE SALARIES OF GOVERNMENT SERVANTS.

‡257. *Sardar Mangal Singh: Will the Honourable the Finance Member please state:

- (a) whether Government contemplate imposing a sliding scale cut on the salaries of the officials from the next financial year;
- (b) whether they propose to see that the proposed cut will not be imposed on the salaries of officials getting Rs. 300 or less; and
- (c) what amount Government hope to save by this measure?

REPRESENTATION REQUESTING FOR A CHANGE IN THE INSTRUMENT OF INSTRUCTIONS TO THE GOVERNOR GENERAL.

258. *Mr. Manu Subedar: (a) Will the Defence Secretary please state whether it is a fact that certain European commercial interests represented to the Secretary of State for the deletion of the following paragraph from the Instrument of Instructions to the Governor-General:

“Notably, he (the Governor-General) shall bear in mind the desirability of ascertaining the views of his Ministers when he shall have occasion to consider matters relating to the general policy of appointing Indian Officers to our Indian forces, or the employment of our Indian forces on service outside India.”?

(b) Have Government received any representation of this kind.

(c) What were the reasons given by these European commercial interests for the deletion?

(d) What is the decision of His Majesty's Government and/or of the Government of India, on the subject?

(e) Is the policy of the Government of India modified in any respect on account of this representation?

(f) What is the “general policy of Indianisation” referred to by the Secretary of State in his reply?

(g) Is there any document where the same has been defined?

(h) If not, will the Defence Secretary please give details of this policy?

Mr. C. M. G. Ogilvie: (a) to (h). I refer the Honourable Member to the reply given by the Leader of the House to Mr. Santhanam's starred question No. 68 on the 4th February, 1939.

†For answer to this question, see answer to question No. 240.

‡For answer to this question, see answer to question No. 241.

Mr. Manu Subedar: The Leader of the House did not say what was the general policy of Indianisation with reference to the Secretary of State's reply. I want some details on that point.

Mr. C. M. G. Ogilvie: The Honourable Member will find what he wants in the letter of the Reforms Department which was alluded to by the Honourable the Leader of the House and a copy of which is in the Library.

MOTOR VEHICLES IN THE ARMY.

259. *Mr. Manu Subedar: (a) Will the Defence Secretary please state how many motor vehicles there are in the Army?

(b) How many are added every year?

(c) Is it a fact that the spare parts in connection with these motor vehicles have been found to be excessive, and that some of them have lost value on account of the change of designs?

(d) Are any bodies of lorries built in India? If so, where, and at what cost per body?

(e) Of what make were the motor vehicles imported by the Army during 1937-38, and at what price?

(f) Is the purchase made in India from agents, or is the purchase made directly in the United Kingdom and, if it is the latter case, is the purchase made by the Indian Stores Department, or the Stores Department, London, or by the Army authorities themselves?

Mr. C. M. G. Ogilvie: (a) 5,110 including 1,052 motor cycles.

(b) The average annual increase, based on the figures of the past three years is 204 including motor cycles. This figure excludes the replacement of worn out vehicles.

(c) Yes, for three or four makes and types only.

(d) Yes. Bodies of various types are at present being built by:

(i) The Heavy Repair Shops Royal Indian Army Service Corps at Chaklala, Quetta and Deolali.

(ii) Messrs. Mackenzie Ltd., Bombay.

(iii) Messrs. Maira Brothers, Lahore.

The cost varies from Rs. 760 to Rs. 1,200 per body.

(e) Morris (6 wheelers and trucks) Rs. 4,40,877.

Vickers (Armoured fighting vehicles) Rs. 20,64,556.

Nortons motor cycles Rs. 2,88,462.

These were all specified pattern and not commercial pattern vehicles.

(f) Vehicles for the Army are purchased in India through the Indian Stores Department and in the United Kingdom through the High Commissioner for India, under whom the Director General, Indian Store Department in the United Kingdom works. No vehicles are purchased direct by the Army authorities themselves.

Mr. Manu Subedar: Is any attempt being made to produce anything more than the body in this country? Are there any consultations which are likely to lead to something more than the mere assembling of parts here?

Mr. C. M. G. Ogilvie: I think the Honourable Member had better inquire from the Indian Stores Department or the Commerce Department.

RETRENCHMENT IN THE GOVERNMENT OF INDIA DEPARTMENTS.

260. *Mr. Manu Subedar: (a) Will the Honourable the Finance Member please state what was the circular sent out to the Departments of Government by him with regard to retrenchment?

(b) Will a copy be placed on the table of the House?

(c) Was it indicated in the circular that all temporary staff was to be cut down, regardless of the period of service?

(d) Have Government received any complaints to the effect that such action is being taken in an attempt to secure economy in certain Departments of the Government of India, and that it is grossly unfair to men who have served five, ten and fifteen years, though technically called temporary?

The Honourable Sir James Grigg: (a) I do not know to which circular the Honourable Member is referring. Instructions have been issued from time to time urging the Departments of Government to effect economy in various ways.

(b) and (c). Do not arise.

(d) No.

RESTRICTIONS ON THE FREE ALLOWANCE FROM CUSTOMS TO PASSENGERS LUGGAGE.

261. *Mr. Manu Subedar: (a) Will the Honourable the Finance Member please state whether Government received any representations, which led them to make restrictions on the free allowance from customs to passengers luggage? If so, from whom?

(b) Have Government issued any instructions to customs officials to see that the personal luggage of *bona fide* passengers is not charged?

(c) What steps are being taken to warn passengers of the change effected?

(d) What is the rough estimate of the amount of customs duty hitherto lost through the old list of free allowances?

(e) Were any cases of abuse brought to the notice of Government, and, if so, what were they?

The Honourable Sir James Grigg: (a) The attention of the Honourable Member is invited to the Press Communique, dated the 5th November, 1938, a copy of which I place on the table.

(b) The rules continue to provide for this, subject to certain limits in regard to specified articles.

(c) The amendments to the rules, by which the change has been effected, were published in the Gazette of India, dated the 5th November, 1938, i.e., nearly two months before they were brought into effect.

(d) It is not possible to form an estimate.

(e) From the nature of the case it is not possible to specify concrete instances, but experience of their actual working convince Government that the rules required amendment in the way which has now been done.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT (CENTRAL REVENUES).

New Delhi, the 5th November, 1938.

Press Communiqué.

Representations have been made in the past to the Government of India (i) on the one hand, by certain Trades Associations complaining that the interests of Indian shopkeepers and traders are suffering as a result of the extent to which the free allowances admissible under the existing baggage rules framed under section 75 of the Sea Customs Act can be taken advantage of or are being misused and (ii) on the other hand, by persons arriving in this country on a *bona fide* transfer of residence after residence abroad of more than three years, expressing a sense of grievance that they have to pay duty on their household effects which have been in use abroad for a considerable time but which are not covered by the baggage concession, even when the articles are of Indian origin or are articles which have paid duty in India once before, the customs exemption allowed in respect of reimported private personal property not being applicable when the reimportation takes place after three years from the date of re-exportation.

2. The Government of India have examined the matter carefully and have come to the conclusion that both the complaints are more or less justified and that while the present regulations press with undue severity on persons coming to this country after a prolonged period of residence abroad, they are too liberal for other classes of passengers, particularly those who return to India after visits abroad which may be repeated annually and who are allowed on every occasion the full benefit of the baggage rules in respect of articles such as plated ware, linen, etc.

3. The Government of India have accordingly decided (1) to amend the existing baggage rules, with effect from the 1st January, 1939, in order to restrict considerably the free allowances and (2) to exempt by notification under section 23 of the Sea Customs Act the personal and household effects of persons arriving on a *bona fide* transfer of residence.

Mr. Manu Subedar: Have Government received any complaints with regard to the deterrent effect of these rules, particularly in the matter of jewellery of distinguished visitors and tourists coming to this country?

The Honourable Sir James Origg: I should like to have notice of that.

(b) WRITTEN ANSWERS.

COLLECTION OF STATISTICS AND INFORMATION REGARDING INDUSTRY AND SEPARATE CENSUS OF RELIGIOUS MENDICANTS.

262. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Home Member please state:

(a) whether it is in contemplation for the next census to collect statistics and information regarding industry as was done in the 1921 census; and

- (b) whether religious mendicants will be separated from 'economic' beggars?

The Honourable Mr. R. M. Maxwell: (a) The suggestion will be considered.

(b) No.

CLASH BETWEEN VILLAGERS AND SOLDIERS OF THE SOUTH STAFFORDSHIRE REGIMENT AT KALYANPUR NEAR CAWNPORE.

263. *Mr. Badri Dutt Pande: (a) Will the Defence Secretary be pleased to state if there was a clash between a number of villagers and soldiers of the South Staffordshire Regiment encamped at Kalyanpur near Cawnpore in January, 1939?

(b) Is it a fact that the cause of trouble was that the soldiers are alleged to have molested a woman, who was answering a call of nature in the fields, where soldiers were out shooting?

(c) Were the soldiers arrested by a Reserve Bank peon?

(d) Is it a fact that while one of the arrested soldiers was being taken to the *Thana*, he was rescued by over 20 fellow soldiers who came to his assistance, and they locked the peon and beat him?

(e) What action was taken by the military to punish these soldiers?

Mr. C. M. G. Ogilvie: (a) Yes.

(b), (c), (d) and (e). I am unable to make any further statement at present as the matter is *sub judice*.

SIMLA EXODUS.

264. *Seth Govind Das: Will the Honourable the Home Member please state:

(a) whether the problem of Simla exodus with a view to reducing the expenditure has been considered and whether there will be a curtailment of staff and officers made this year as compared with last year;

(b) the net reduction in expenditure he proposes effecting this year under this head;

(c) whether other reasons than financial, such as shortage of houses as well as public health, as described by the Wadely report, have influenced Government to keep down the influx of Government staff to Simla; and

(d) what are the offices and staff he proposes leaving behind in Delhi this year as compared to that of the last year?

The Honourable Mr. R. M. Maxwell: (a) The problem is under consideration. There will be some curtailment of the exodus this year as compared with last year in the offices of the Director of Civil Aviation, the Military Accountant General and the Chief Controller of Standardization.

(b) The net reduction of expenditure which is expected this year is about Rs. 92,000 as compared with a saving of Rs. 74,750 effected last year.

(c) Yes. Government are keeping in view considerations of public health and the shortage of houses in Simla in addition to financial considerations.

(d) The remaining half of the Director of Civil Aviation's Office, a section of the office of the Military Accountant General and part of the Chief Controller of Standardization's office will remain in Delhi in addition to those offices which remained last year. Owing to the international situation, however, there will this year be some decrease in the portion of the Indian Stores Department which it has been found possible to leave in Delhi.

IMPORT OF FOREIGN SALT INTO INDIA.

265. *Seth Govind Das: Will the Honourable the Finance Member please state:

- (a) whether it is a fact that since the discontinuance of protection to the salt industry, in the beginning of the last fiscal year, foreign countries other than Aden have shipped to India over one lakh tons of salt;
- (b) whether he is aware that the selling prices have declined by about Rs. 15 per 100 maunds during the period and are considered below the cost of production; and
- (c) whether it is a fact that most of the imports are from Port Said and Red Sea ports?

The Honourable Sir James Grigg: (a) Yes.

(b) The Honourable Member's attention is invited to replies given to parts (b) and (c) of Mr. K. S. Gupta's question No. 117 on the 6th February, 1939.

(c) No.

REPRESENTATIONS OF THE INDIAN SALT INDUSTRY.

266. *Seth Govind Das: (a) Will the Honourable the Finance Member please state whether he is aware that attempts were made by Indian salt manufacturers to arrive at an amicable settlement, fixing Aden's share of India's consumption, have ended in a failure on account of Aden manufacturers not accepting Indian terms?

(b) Whether the representatives of the Indian salt industry made representations to Government for intervention?

(c) Whether Government have taken steps to intervene in the matter for successful results?

The Honourable Sir James Grigg: (a) Government are aware that the attempts have failed.

(b) No.

(c) No.

GRANT OF PROTECTION TO THE INDIAN SALT INDUSTRY.

267. *Seth Govind Das: Will the Honourable the Finance Member please state:

- (a) whether Government propose granting protection to the Indian salt industry in view of the foreign competition in salt in India;

- (b) whether Government propose excluding Aden. while granting protection to the Indian salt industry; and
- (c) when Government propose granting the protection to the salt industry in the country?

The Honourable Sir James Grigg: I would refer the Honourable Member to my reply to part (e) of Mr. Manu Subedar's question No. 2014 on the 9th December, 1938.

SIMLA EXODUS.

268. *Mr. S. Satyamurti: Will the Honourable the Home Member be pleased to state:

- (a) at what stage the consideration of the Simla exodus of Government offices from New Delhi stands;
- (b) what are the departments and the strength of those departments which will go to Simla this year;
- (c) whether Government are considering the housing shortage as well as the general public health conditions in Simla in respect of this matter;
- (d) whether Government are considering the question of moving up only camp offices to Simla;
- (e) when Government hope to come to a conclusion on this matter; and
- (f) whether Government propose to place the final proposals for the next year before the House, before the end of this Session?

The Honourable Mr. R. M. Maxwell: (a) The question is at present under the consideration of Government.

(b) A statement will be laid on the table, when ready.

(c) Yes.

(d) This is one of the possible solutions and is being examined along with the whole question.

(e) and (f). As far as the summer of 1939 is concerned I would refer the Honourable Member to my reply to Seth Govind Das's starred question No. 264 whatever the final conclusion may be, overcrowding in Simla makes some early modification of the present arrangements very desirable. It is from this point of view that the question is being examined at the moment, and I hope it may be possible to make a further announcement before the end of the Session, though I cannot promise this. The Honourable Member will no doubt realise that a final conclusion must await the advent of Federation, since it is intimately bound up with the question whether there will be a summer Session of the Federal Legislature and, if so, where.

ARTICLES IN THE *TIMES OF INDIA* BY MR. FINDLAY SHIRRAS RE INDIA'S POPULATION.

269. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Home Member please state:

- (a) whether his attention has been drawn to the series of articles recently contributed in the *Times of India* by Mr. Findlay Shirras, showing that the population of India shows during the period 1871-1931, i.e., 60 years, an annual percentage increase of only 0.69 which is far lower than in England, Wales, Japan, Canada, or Australia, and that during the thirty years between 1901 and 1931, the annual percentage increase is still lower, being 0.66 as compared to higher figures elsewhere, and also showing by statistics that the population in India has increased *less* rapidly than production; and
- (b) whether Mr. Findlay Shirras has connection with the Central or any Provincial Government; if so, what?

The Honourable Mr. R. M. Maxwell: (a) I have seen the articles mentioned by the Honourable Member.

(b) Mr. Findlay Shirras is an officer of the Indian Educational Service at present employed as Principal, Gujrat College, Ahmedabad, under the control of the Bombay Government.

STRENGTH OF AUXILIARY FORCE.

270. *Maulvi Abdur Rasheed Chaudhury: (a) Will the Defence Secretary please state the total strength of Auxiliary Force in India?

(b) How many Indians, Anglo-Indians and Europeans, are there in this Force?

(c) What is the total number of Indian officers in this Force?

(d) If the reply to part (c) be in the negative, why is no Indian officer there?

(e) Is there any statutory bar preventing Indians to become officers in the Auxiliary Force? If so, why?

Mr. C. M. G. Ogilvie: (a) and (b). I refer the Honourable Member to my reply to parts (a) and (b) of Mr. Abdul Qaiyum's starred question No. 235 which I have answered today.

(c) Nil.

(d) and (e). I refer to the Honourable Member to my reply to starred question No. 1990, dated the 9th December, 1938, and supplementary questions and replies thereto.

TENDERS FOR THE SUPPLY OF ARTICLES OF CLOTHINGS, ETC., FOR THE INDIAN DEFENCE FORCE.

271. *Maulvi Abdur Rasheed Chaudhury: Will the Defence Secretary please state:

- (a) whether tenders for supply of articles of clothing, etc., for the Indian Defence Force are called for simultaneously from firms both in India and in England;

- (b) the reason why tenders are called for from firms outside India when supplies are available in India;
- (c) whether tenders were called for from any Indian firms for the supply of 4,11,000 tooth brushes supplied to Indian Defence Force in 1937-38; and
- (d) whether any tenders were called for from Indian firms for the supply of 96,800 yards of mosquito netting supplied to Indian army by British firms in 1937-38?

Mr. C. M. G. Ogilvie: I refer the Honourable Member to the reply I gave on the 9th December, 1938, to starred question No. 2006 on the same subject. The detailed replies to his questions are as follows:

- (a) I refer the Honourable Member to my reply to Mr. Abdul Qaiyum's supplementary questions to the same starred question.
- (b) Tenders for the supply of articles of clothing, etc., required for the Indian Defence Forces are called for from firms abroad only when it is known previously that such articles are not manufactured in India up to army specifications, or when the requirements cannot be met in full in India.
- (c) No, because brushes of the standard required for the army are **not manufactured in India.**
- (d) Yes.

APPELLATE JURISDICTION OF THE FEDERAL COURT IN CIVIL MATTERS.

272. *Mr. M. Ananthasayanam Ayyangar: (a) Will the Honourable the Home Member be pleased to state whether Government propose to enlarge the appellate jurisdiction of the Federal Court in civil matters so as to do away with the necessity of direct appeals to the Privy Council? If so, in what matters? If so, why not?

(b) Are Government aware of a ruling of the Federal Court that that court has no power under the Act to give special leave for any appeals for being preferred before it?

(c) Do Government propose to take any steps to have the Act suitably amended?

The Honourable Mr. R. M. Maxwell: The question should have been addressed to the Honourable the Leader of the House.

APPLICATION FOR THE APPOINTMENT OF A TARIFF BOARD ON SALT.

273. *Mr. Akhil Chandra Datta: Will the Honourable the Finance Member please state whether any application has been received from the salt industry for the appointment of a Tariff Board to secure a reasonable price in the Calcutta market? If so, what decision, if any, has been reached thereon?

The Honourable Sir James Grigg: No.

POLL TAX ON PERSONS ENTERING THE EXCLUDED AREAS IN ASSAM.

273A. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Finance Member please state :

- (a) whether the propriety of continuance of the imposition of poll tax on persons entering the line of "excluded areas" in Assam, has recently been considered or going to be considered;
- (b) whether the fact that the income is negligible, whereas the restraint on movement of persons and trade is considerable, has been or will be taken into consideration; and
- (c) the object of imposition of this poll tax financial or protective; if protective, whom and in what way the poll tax protects?

The Honourable Sir James Grigg: (a) No.

(b) Does not arise.

(c) The charge is of the nature not of a tax but of a fee, the provision for which in section 4 of Bengal Eastern Frontier Regulation of 1873 was apparently intended to meet part of the expense involved in administering the Regulation.

THE MUSLIM DISSOLUTION OF MARRIAGE BILL.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, I move:

"That the Bill to consolidate the provisions of Muslim law relating to suits by married Muslim women for dissolution of marriage and to remove doubts as to the effect of apostasy of a married Muslim woman on her marriage tie, as reported by the Select Committee, be taken into consideration."

In dealing with the report, I feel bound first to discharge the great debt of gratitude which I owe to the Honourable Members of this House and which I could not properly discharge when I spoke last in Simla, due to shortness of time at my disposal. It is only through the active help of the Leader of my Party—the Leader of the Opposition—the co-operation of the Muslim League Party and the European Group, and the acceptance of the proposal for time by the Government and the willing acquiescence and practical co-operation of the Leader of the Congress Nationalist Party that I am in a position today to move for the consideration of the report of the Select Committee. Had I not received all this support, the utmost that I could do today would have been to ask the House to refer the Bill to Select Committee. Therefore, I think I must discharge this obligation at the very outset.

The next thing that I want to submit in this connection is an admission of my own failure. I feel that I have absolutely failed in convincing the House about one requisite of the Muslim community that it stands in need of the administration of personal law. In certain matters regulated by Muslim personal law, the presence of a kazi is absolutely necessary, and marriage and dissolution of marriage are two of such matters. As a matter of fact, when I put in a provision in this Bill about Muslim judges, it was only invented to satisfy that condition, but it was not the same as is required by the Muslim law, and it was only by making interpretations that we could justify even the appointment of a Muslim judge. Yet

- [Qazi Muhammad Ahmad Kazmi.]

I feel that I have not at all succeeded in making my point of view and the point of view of the Muslim community clear on this point, and I have abandoned it now only because I feel that it is better to have a measure at the present stage as it is, rather than insist on a thing which does not appeal to the country at the present time and finish the Bill. Some people of my own community are of opinion that the real spirit has been taken away by the deletion of that clause. Still I feel that there is a certain justification for me for proceeding with this Bill in spite of the omission of that clause, and it is this. There are two parts of law: one is the substantive law, and the other the agency by which that law is to be enforced. What we are doing in this Bill is only giving the Muslim law as it is, and we are enunciating the provisions as they are. We are not providing for the agency. It could have been provided in this Act, but we are leaving it and, as a matter of fact, we have got to leave it if we want it not only for this particular part of the law, but certain other branches also. We know that some other branches of Muslim personal law also require the appointment of a Muslim kazi. So in the case of all such matters which have to be dealt with by the kazi, we must—with the agreement and approval of this House—try to get a separate Bill in which we can define the particular powers which we want to invest the kazi with, and get their approval for his appointment, instead of having a Muslim officer or a Muslim judge of the present courts. That is a separate matter altogether, and I think that we may try later on to bring before this House that particular point of view of the Muslim community, and by the approval and good will of all the parties concerned succeed in getting a measure of relief in that direction also.

The other reason for proceeding with this Bill is the great trouble in which I find the women in India today. Their condition is really heart-rending; and to stay any longer without the provisions of the Bill and allow the males to continue to exercise their right and to deprive the women of their rights given to them by their religion any longer would not be justifiable.

As to the merits of the Bill, I have very little to say. We have tried to carry out the wishes of the House to the greatest possible extent in the Select Committee. We have redrafted the provisions of the Bill, and, instead of saying according to the rules of Hanafi law or Maliki law or any other law, we have incorporated those provisions in the Bill itself. As to clause 5, we have, to the best of our ability, tried to meet the wishes of all the communities by inserting that proviso and also bringing it under clause 2. With these observations, I move that the report of the Select Committee be taken into consideration.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill to consolidate the provisions of Muslim law relating to suits by married Muslim women for dissolution of marriage and to remove doubts as to the effect of apostasy of a married Muslim woman on her marriage tie, as reported by the Select Committee, be taken into consideration."

I find that notice has been given of a motion for circulation of the Bill—one by Mr. Abdullah who is not in his place, and another by Mr. Suryya Kumar Som, Mr. Akhil Chandra Datta, Dr. P. N. Banerjea and Pandit Lakshmi Kanta Maitra: I understand that is not going to be moved. The discussion will now proceed on the motion just moved.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, it is indeed a matter of great gratification to us all in this House that on a Bill which was considered to be a very contentious measure in the beginning there has been complete unanimity of opinion from all sides of the House. It is very seldom that Bills which have any tinge of religious dictates receive the unanimous approval of all parts of the House, and I must congratulate those Honourable Members who were on the Select Committee for submitting a unanimous Report and solving this great problem affecting Muhammadan law. Sir, it is high time that we conceded the rights of our women, whether they be Hindus, Muslims or Christians. I am glad that the Muslims of India, and especially the Muslim Members of this House took up this legislation in hand in right earnest to accord proper rights to the fair sex, and I hope and trust that other communities, when they come forward with legislation affecting their community, will receive the same measure of support from us Muslims, and that we shall not fail them. But I want to make one point quite clear. We know, that when occasion arises it may be necessary to take a different view from what we have adopted in this legislation today. It is quite possible we may have occasion to come forward with some amendments at a later stage even on this Bill and when we do so, we hope and trust that our friends of other communities will extend to us the same support as they have given to us so far.

Sir, there is one point on which the public outside is somewhat perturbed. We wanted in this Bill that some kazi or Muslim judge should be appointed to decide cases of divorce. It is a great pity that some could not see eye to eye with us on this point. Perhaps our plain description of the duties of a kazi have not been clearly understood by our other friends. According to Muslim law, a kazi is a necessary element to pronounce the formula of divorce, just as among our Hindu friends a qualified priest is a necessary element to sit by the fireside and utter *mantras* to complete the marriage. A Muhammadan cannot sit and perform the marriage ceremony of our Hindu friends and declare the marriage to be complete; in the same way, so far as the Hanafi *Shariat* is concerned, it is necessary that there should be a Muslim judge or a kazi to pronounce the formula of divorce, and nobody else can do so. I know that this opinion has not been corroborated by some lawyers in this country and they have not been able to see eye to eye with us. There has been a cry in some quarters that if a Muslim judge or a kazi is appointed to decide these cases of divorce, then it will not be consistent with our policy and the policy of the British rule in India. The fact is this, that those people who have pronounced this opinion have either been Judges of the High Court or in Government service holding similar responsible positions, and, therefore, they could not give an opinion on this subject quite contrary to what the courts as a whole have held. My submission is this. We know that judges of the Courts will not decide these divorce cases on any personal grounds, but my point is, it will not be consistent with the *Shariat* of Islam, because nobody except a Muslim Judge or kazi can pronounce the formula of divorce, just as I said before, a Muslim or a Christian will not be eligible to utter the *mantras* or say the formula by the fireside at the time of a Hindu marriage. Therefore, Sir, the Muslims consider that the *Shariat* should be respected. It may be said that there are people who differ from this point of view, but at least the majority hold that the formula of divorce cannot be uttered by anyone

[Mr. Muhammad Azhar Ali.]

except a Mussalman. I am sorry that this view did not find favour with the majority of the Select Committee. However, in spite of all this, I submit that whatever we are achieving by this measure will be enough for our present purposes and much of the distress which our Muslim ladies feel will be relieved by passing this measure. Therefore, Sir, I support the motion.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I wish to make some observations on this very important Bill. I say, Sir, it is important in that it has connection with the Muslim community as a whole, Shias, Sunnis, Hanafis and all other denominations. It is also important in another respect, because it affects the interests of Hindus also, because in this Bill there are certain provisions which, according to the Select Committee, have been distilled down a bit, but still there are certain points in which the Hindu community is interested.

Now, Sir, I am very glad to find that a very serious view is intended to be taken of this Bill, and the indication of it is that the motion for circulation has not been put forward. That clearly shows that the importance of this measure has been accepted and nobody wants to adopt any dilatory tactics. Therefore, Sir, I submit that the House should give consideration to each of the points that has been decided by the Select Committee. My Honourable friend who spoke last should excuse me if I do not see eye to eye with him when he says that there is unanimity of opinion in the Select Committee. It is not so. It is quite obvious from the very amendments that have been put forward that there is no unanimity of opinion, at least I must say there is no unanimity of opinion with regard to clause 4 and to some portion of clause 2. Before I come to these clauses, I would submit generally that there are certain defects in this Bill to which attention of the House should be directed. At the very outset, I find in the Select Committee's Report, a reference is made to the opening words of clause 2. In clause 2 we find the opening words apply the clause to any woman married under Muslim law and she shall be entitled to obtain a decree for the dissolution of her marriage on the grounds set out in the Bill. This would mean that if the woman is married under the Muslim law, then only she can have a right of divorce. On this point what the Select Committee has said is this. "We the undersigned members of the Select Committee to which the Bill to consolidate the provisions of Muslim law relating to suits by married Muslim women for dissolution of marriage " and then below that in clause 2 it is said—"The opening words apply the clause to any woman married under Muslim law even though she may not herself profess Islam".

The words to which I wish to direct the attention of the House are "even though she may not herself profess Islam". If she has not professed Islam by her own free will, then she does not come under the provisions of clause 2 as it is. I have read through the whole Bill very carefully, but I want that everything should be made absolutely clear so as not to leave any doubts on the point.

It is an important Bill, nobody will say that it is not an important Bill. What I submit is that I do not share this opinion of the Select Committee, and I would refer to the note of Mr. Asaf Ali which supports my view. At the end of paragraph 2 of his note he says that if the husband proves

intolerant of her religious profession or practice she is entitled to relief under sub-clause (e) of clause 2 (ix) of the Bill. The statement of the Select Committee is incorrect and it should be considered as redundant. Under sub-clause (c) to which I have referred what we find is this, that a married woman will be entitled to a decree on the ground that the husband obstructs her in the observance of her religious profession or practice. An amendment to that effect has been put in by a Muhammadan Member of this House, and I hope that that would be accepted, or at least what is stated by the Select Committee appears to be a little misleading and it should be made clear. Then sub-clause (x) requires a little clarification. We should specifically lay down what are the grounds. At present a Muslim woman gets a judicial separation by a decree on only one or two grounds, namely, impotency and one other. (Interruption by Mr. M. Asaf Ali). Judicial separation is more or less provided for in the Hindu law; in the Muhammadan law it is dissolution, which I call judicial separation. On this my Honourable friend, Mr. Asaf Ali, has made an observation, and I want that to be specifically incorporated in sub-clause (x). Sub-clause (x) says:

"On any other ground which is recognised as valid for the dissolution of marriages under Muslim law."

So many grounds have been given and the last ground is a general one. Under the Muslim law, if there is apostasy, if the woman has renounced her religion or she has converted herself to any other religion, then that apostasy dissolves the marriage. If anybody has any doubt about it, I will read out Mulla's Muhammadan Law, at page 209, where it says:

"Apostasy from Islam of either party to a marriage operates as a complete and immediate dissolution of the marriage."

Therefore, it is a ground for dissolution. I do not say that this has not been considered by the Select Committee; on the contrary they have considered it and come to the conclusion that it would be a ground by putting in sub-clause (x) to the effect that if there is apostasy she will be entitled to a decree if she goes to court. But what I mean to say is this that this makes a distinction. The distinction that is made is that under the Muhammadan Law, from the passage that I have just read out to the House the marriage will *ipso facto* become dissolved, but by this provision she will have the right to go to the Court and get a decree for dissolution on the ground of apostasy. In this view I am supported by Mr. Asaf Ali:

Mr. M. Asaf Ali (Delhi: General): I do not think you are supported by me.

Mr. Lalchand Navalrai: I shall read the paragraph:

"As regards the clause of apostasy, I am still of opinion that as a general rule in the case of all communities, in the case of change of religion there should be an automatic dissolution of marriage."

Mr. M. Asaf Ali: I am afraid that is not my note. It is Dr. Deshmukh's.

Mr. Lalchand Navalrai: I am sorry. I will now read from paragraph 2 of my Honourable friend, Mr. Asaf Ali's note. He says:

"Under the present provision she will have to institute a suit for dissolution of marriage on the ground (a) that she has abjured Islam or she has been converted to a faith other than Islam . . ."

[Mr. Lalchand Navalrai.]

Can there be anything clearer than that? Then, he says:

"... (b) that either her husband makes her life miserable by cruelty of conduct even if such conduct does not amount to physical ill-treatment or that he obstructs her (*this is the point*) in the observance of her religious profession or practice or prevents her from exercising her legal rights over her property."

It is quite plain and it is common sense also. Here you are making changes giving extensive power to Muhammadan women. You have allowed dissolution even on lesser grounds such as non-maintenance and cruelty. You are now making the door wider for her to come to court and ask for dissolution and apostasy or renunciation of Islam should be a reason for coming into court. I say it is the Select Committee's view, and it should be made clear. However on that point myself and Bhai Parma Nand have actually put in an amendment to clarify the position and say that that is one of the grounds for her coming into court for dissolution.

Then, taking the question of sub-para. (vi) of clause 2. I find that judicial divorce has been provided on the ground that the husband was impotent at the time of the marriage and continues to be so. That is also the present law. You will find it on page 209 of Mulla, 10th Edition, article 239. Now I will ask the Mover of this Bill to answer this question. At present the law is that the wife is entitled to sue for divorce on the ground of her husband's impotence provided that the defect existed at the time of marriage and had continued since then. This has been reproduced in the present Bill. There is another point also and that is that she did not then know of it. A woman at the time of marriage knows full well that she is contracting a marriage with a particular person. She may at that time have expected that the man may be relieved of the malady or she may have certain reasons for marrying that man. Therefore, the law, that if the woman has contracted the marriage with her eyes open, then that would be no ground for dissolution.

Then, there is one other point in this connection and that is in Mulla's Muhammadan Law on page 209. It establishes a certain practice which the courts have been following at present. Even though there is a question at issue with regard to the impotence of the husband, a certain practice is followed by the courts and that practice is mentioned in this para. If the facts about the man's impotence are established, then the further hearing of the suit will have to be adjourned for a year in order that it may be ascertained whether the defect is removable. If the period has expired, the court may on the application of the wife and on proof that there has been no sexual intercourse between husband and wife during that period pass a decree dissolving the marriage. This precaution has been introduced by the authorities. After all separation between husband and wife is a serious thing and if impotency is alleged, sometime should be given for recovery if recovery is possible and I hope that this provision of the law also does exist. It cannot be said that by making this law we have not reproduced this, which is a decision of the judicial authorities and at present the law of the country.

Now, Sir, I will say a few words with regard to clause 4 and then I will say more when I move my amendment. Clause 4 is clause 5 of the Bill. Everybody knows that on this clause there was a great contest when the matter was going on to the Select Committee and it was said that it is no use touching any point which might injure the feelings or

affect any other community. After all this is a Bill applicable to Muhammadans and in that there should not be anything put in which might offend the feelings of the Hindus or create complications. Therefore it was expected when the matter was going to the Select Committee that the Select Committee will expunge that clause. That has not taken place. What has taken place is only a little change in it which is now shown in the proviso to clause 4. Clause 5 stands substantially in clause 4, part 1, and I certainly submit that the Hindu community cannot be said to agree with regard to this clause. I have read the Muhammadan Law from Mulla. It clearly puts forward that from time immemorial it has been the law and also practice that whenever there is apostasy, the marriage *ipso facto* comes to an end. I would, therefore, submit that there is no need for both parts of clause 4. Both of them should be deleted. On this point also amendments have been put in, and I submit that these points I have put forward should be given consideration. In social legislation of this kind, there should be agreement between both Hindus and Muhammadans and then only it will be considered to be the best and true law, even though it may change the law that is existing at present. Therefore, even from the point of view of sentiment and from the point of view of Hindu opinion, this clause 4 should be deleted.

Mr. Abdul Qaiyum (North-West Frontier Province: General): I tried to follow the clarifying process which was set out at great length by my Honourable friend, Mr. Lalchand Navalrai. When I read the Bill, as it emerged from the Select Committee, I thought that the Bill had emerged as a much better Bill, a clearer Bill, and a business-like Bill. If we try to clarify it even more, it would result in greater confusion, and it would not be any improvement on the Bill. My learned friend touched the question of apostasy at great length. I may remind him that this Bill and similar other Bills which were passed by this House—I may mention especially the one dealing with the *Shariat* Act—are the result and the outcome of the great awakening that has taken place in the Muhammadan community in India, and the more enlightened section of the community believe that the time has come when a serious attempt should be made to restore all the rights which were granted by the Koran to Muslim women so as to put them on terms of absolute equality with men. It is in furtherance of this desire that the *Shariat* Act was passed, which, for the first time, did away with the dead hand of custom and conferred upon Muhammadan women the right to inherit property which is granted to them by the Koran in their capacity as sisters, mothers, or daughters. This Bill, dealing with the dissolution of married women, is also of the same kind. After all, even my Honourable friend, Mr. Lalchand Navalrai, will not have the courage to deny this or to say that Muslim women have in practice been allowed to follow the Muhammadan law in the matter of divorce. The males have appropriated to themselves all the privileges and all the rights which have been given to them by the Koran, but wherever any rights were given to poor women, they fell out of use simply because they were not allowed to be enjoyed by them by the males of the community. Therefore, this has resulted in a great hardship to Muslim women, and this Bill seeks to do away with that evil which, undoubtedly, exists at the present time in the Muslim community. Undoubtedly there is a great demand in the community, that such cases should be tried by Muslim judges. We have received letters from the Jamiat-i-Ulemai Hind pressing upon us the desirability of having all such cases tried by Muslim

[Mr. Abdul Qaiyum.]

judges. As far as I am concerned, I think it would be much better, where Muslim judges are not available, to have these cases to be tried by non-Muslim judges. We should rather trust to their sense of fairness, and should have faith in their sense of justice. I, for one, do not feel at all that any hardship is going to result because we are not enacting in this Bill that such cases should be heard only by Muslim judges. As far as I understand Islam, it contains certain cardinal principles and the main principle is the unity of God and the brotherhood of man. All other things are of subsidiary and minor importance. There is no doubt that there is a proposal that such cases should be tried by Muslim judges, but I do not think that if such a provision is not inserted, we would be committing any really very great sin. That is my view subject to the opinion of learned divines, and of those more learned in Muhammadan law. My learned friend, Mr. Lalchand Navalrai, severely criticized the provisions regarding apostasy. There is no denying the fact that at present owing to the attitude of the males of the Muhammadan community and the high-handed manner in which Muslim women are treated, Muslim women have been forced in innumerable instances to resort to conversions which were not genuine conversions, in order to escape from the marital tie. These conversions were not genuine and I think many people in this country are aware of that fact, and this has been supported by the large volume of opinion which has been offered by people belonging to all the communities, as well as by judges belonging to all the communities who have had occasion to try such cases. As far as conversion is concerned, let me remind the House that Bhai Parma Nand put the case against this as strongly as he possibly could, and I would just invite attention to three or four sentences which he uttered at the time when he spoke when the Bill was being referred to the Select Committee. He was asked to "first tell us your opinion". Bhai Parma Nand said:

"You want my opinion? I think as the Honourable Mr. Kazmi has agreed to the proviso and if the Select Committee accept this proviso, I would have practically very little objection to the Bill. That proviso is that this clause will apply only to Muhammadan women who are born as Muhammadans, and it would not apply to any other women who are not born as Muhammadans."

That proviso has been incorporated in clause 4 of the Bill. That means that no woman who has become a convert from a religion other than Islam will be estopped, as a result of the provisions of this Bill, from going back to her religion if she so desires. I think Bhauji put the case at the highest and that has been amply met by the proviso that has been incorporated in this Bill. Now, certainly this cannot be described as "little change" as my friend, Mr. Lalchand Navalrai, tried to make out, because the maximum demand put at the time was that the people outside the pale of Islam who desire reconversion to their original faith should be allowed to do so. And this has been incorporated. Therefore, I submit for the consideration of this House, that the Bill has emerged in a form which is almost non-contentious, and I hope the House will now expeditiously pass this Bill. Sir, I support the motion.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, there is very little to say at this stage on behalf of Government. I had, when speaking on the Bill in the Simla Session, pointed out certain considerations which weighed very seriously with Government and I had said that Government would not be able to support this Bill unless the difficulties that I had pointed out were met. Those difficulties

have been met in the Select Committee entirely, and, therefore, generally—and that is all that we are concerned with at this stage—Government are prepared to support the Bill as it has emerged from the Select Committee.

Honourable Members: The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

“That the question be now put”.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

“That the Bill to consolidate the provisions of Muslim law relating to suits by married Muslim women for dissolution of marriage and to remove doubts as to the effect of apostasy of a married Muslim woman on her marriage tie, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

“That clause 2 stand part of the Bill.”

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): Sir, I move:

“That sub-clause (i) of clause 2 of the Bill be omitted and subsequent sub-clauses be re-numbered accordingly.”

The sub-clause says:

“That the husband has been sentenced to imprisonment for a period of two years or upwards and has made no provision for her maintenance”

It may be that in the public interest the husband may have courted imprisonment and may have been sentenced, but it would not be right that the lady should have the right to have a decree for the dissolution of her marriage on that ground alone. Therefore, I want this clause to be omitted.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

“That sub-clause (i) of clause 2 of the Bill be omitted and subsequent sub-clauses be re-numbered accordingly.”

Qazi Muhammad Ahmad Kazmi: Sir, so far as this amendment is concerned, I think it would be an improvement, and I am prepared to accept it.

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions: Non-Muhammadian Rural): Sir, to me it seems that the amendment that has been proposed for the deletion of sub-clause (i) of clause 2 should not be accepted. The sub-section says:

“That the husband has been sentenced to imprisonment for a period of two years or upwards and has made no provision for her maintenance”

As a matter of fact, I do not know what the Select Committee mean when they say that the husband has been sentenced to imprisonment for a period of two years and has made no provision. To which thing is the importance attached? To the husband going to the jail or simply to the fact that he has not made any provision for the maintenance of his wife? I think going to jail should be the more objectionable thing. What my Honourable friend, Mr. Ananthasayanam wants, can be achieved simply by

[Pandit Krishna Kant Malaviya.]

the introduction of the words "for moral turpitude" after the word "imprisonment". If the clause were to read "that the husband has been sentenced to imprisonment for moral turpitude for a period of two years or upwards and has made no provision for her maintenance", the object of my friend would be achieved. What I want is that a wife should have a right to divorce a husband who is a jail-goer or who is sentenced for some offences.

Mr. S. Satyamurti (Madras City: Non-Muhammadian Urban): What about us?

Pandit Krishna Kant Malaviya: I have said that there might be a provision for civil resisters. The words "moral turpitude" might be introduced for civil resisters. But I do not want that a woman should remain the wife of a thief or murderer simply because there is some provision for her maintenance. Do my friends want that a wife should continue to be the wife of a murderer or a thief or a gambler?

Mr. M. Asaf Ali: Sub-clause (iv) covers it.

Pandit Krishna Kant Malaviya: I am not in favour of this amendment.

Mr. M. Asaf Ali: Sir, I think my learned friend, Mr. Malaviya, is labouring under a misapprehension. If he refers to sub-clause (iii) of clause 2, he will see that the case has been met by it as far as the question of maintenance is concerned.

Pandit Krishna Kant Malaviya: On a point of personal explanation, Sir. I think my Honourable friend has quite misunderstood me. I want a provision that a wife should seek divorce simply because her husband has been sentenced to jail, not that he has not made any provision for her maintenance.

Mr. M. Asaf Ali: I was just trying to explain the attitude of the Select Committee. It was not the intention of the Select Committee to make a provision that a married woman might secure dissolution of her marriage merely on the ground that her husband had gone to the jail. But if it is a case of a very serious offence, it is already dealt with in sub-clause (iv) which says that she can obtain a dissolution of her marriage if the husband has been sentenced to imprisonment for a period of seven years or upwards. That is to say, the Select Committee have made provision for serious offences under sub-clause (iv). But so far as sub-clause (i) is concerned, it is completely covered by the contents of sub-clause (iii) which says: 'that the husband has neglected or has failed to provide for her maintenance for a period of two years'. So, it is merely a question of a husband not making any provision for his wife for two years, which is completely covered by sub-clause (iii) and, therefore, we are quite prepared to accept this amendment.

Mr. M. Ghiasuddin (Punjab: Landholders): Sir, I rise to oppose this amendment moved by my Honourable friend, Mr. Ananthasayanam Ayyangar. I am afraid for political considerations this very useful social Bill is being whittled down by this political party or that political party to suit this political thought or that political thought. In my opinion, the whole thing is clear. Here is a woman whose husband has gone to jail. It

may be that he had gone to jail for a political offence and he is an honourable man, or it may be that he has gone to jail for the meanest of crime and he is a villain, and I think it would be very unfair for a woman to be tied down to that man. Besides, the modern tendency is that both man and woman should have equal rights of divorce. Even if the man is a hero and he has gone to jail for a political offence, his wife may not like it and she may hold the opposite political views. She may not like his going to jail. I would, therefore, request all the Parties in this House to look at this Bill merely from a social point of view and not to thrust their political views in it. In my opinion, this Bill has come out in a much worse form from the Select Committee than what it was before, and I will beg the House not to whittle it down any more for political considerations. They should only think of women who have been suffering for a very long time under the cruel yoke of their men folk, and now that this measure is before us, it should be supported, and it should not be whittled down on any ground whatsoever. Sir, I oppose the amendment.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, I had no intention of getting up and speaking on this amendment, but my reason for getting up is that my friend, Mr. Ghiasuddin, has probably not understood what the real idea behind this clause is. He has laid the emphasis on the fact that a woman can leave her husband only on the ground that he has gone to the jail but there he is mistaken, because the clause as it stands has nothing to do with the sentence or the committing of any offence. As has been clearly pointed out by my friend, Mr. Asaf Ali, the idea of the Select Committee was that there ought to be the maintenance for the woman. If she has been left without any maintenance, then she should have a right to get divorce. That was the real idea. The idea was never present in the mind of the Select Committee that the woman should have the right to get a divorce simply because the husband has been sentenced to jail for one or the other offence. If the husband was a murderer or a cut-throat, then provision has been made in sub-clause (iv). As far as desertion is concerned, that is provided in sub-clause (iii). Therefore, it was really not necessary to have sub-clause (i). I think this was the misunderstanding in the mind of my friend Mr. Ghiasuddin and I hope he will withdraw his opposition to this amendment because this sub-clause really does not affect one way or the other. If the husband is sentenced to jail but he has made a provision for her maintenance, then she cannot get a divorce. If a thief or a murderer has been sentenced to jail for a period of two years or for a period of less than 7 years and makes a provision for her maintenance, then she cannot get a divorce under this provision. Therefore, the objection was due to the misunderstanding of the provision and I hope my Honourable friend will withdraw his objection.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That sub-clause (i) of clause 2 of the Bill be omitted and subsequent sub-clauses be re-numbered accordingly."

The motion was adopted.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): Sir, I beg to move:

"That sub-clause (ii) of clause 2 of the Bill be re-numbered as sub-clause (i), and, in the sub-clause, as so re-numbered, for the words 'two years' the words 'four years' be substituted and the words 'and that he has made no provision for her maintenance' be omitted."

[Maulvi Syed Murtuza Sahib Bahadur.]

Sir, my motion is to the effect that so far as the period of two years is concerned, it is too short a period. According to Maliki School of jurists, the time given is four years. So it is that I move my amendment, because it is supported by one of the four eminent jurists that belong to the Maliki set of jurists. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved :

"That sub-clause (ii) of clause 2 of the Bill be re-numbered as sub-clause (i), and, in the sub-clause, as so re-numbered, for the words 'two years' the words 'four years' be substituted and the words 'and that he has made no provision for her maintenance' be omitted."

Qazi Muhammad Ahmad Kazmi: I have no objection in accepting this amendment which brings the law in consonance with Shia and Maliki law.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That sub-clause (ii) of clause 2 of the Bill be re-numbered as sub-clause (i), and, in the sub-clause, as so re-numbered, for the words 'two years' the words 'four years' be substituted and the words 'and that he has made no provision for her maintenance' be omitted."

The motion was adopted.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I beg to move :

"That in sub-clause (ii) of clause 2 of the Bill, after the words 'for her' the word 'proper' be inserted."

I think the word "proper" is necessary, and hence I move this amendment.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved :

"That in sub-clause (ii) of clause 2 of the Bill, after the words 'for her' the word 'proper' be inserted."

Mr. M. Asaf Ali: Sir, I am sorry I have to oppose this amendment. But I do so on the ground that by the insertion of the word "proper" before word "maintenance" the whole question will become rather indefinite, and in each case it will be left to the discretion of the Court to find out what is the proper maintenance in a particular case. Therefore, I do not think this amendment is likely to improve the situation. I oppose the amendment.

The Honourable Sir Muhammad Zafrullah Khan: May I, Sir, in support of what fell from Mr. Asaf Ali point out for the consideration of the Honourable the Mover that this amendment is really unnecessary because there is no minimum standard or maximum standard of maintenance laid down and in each case the Judge will have to see whether provision for maintenance is adequate for the lady concerned. I do not think any other interpretation of the clause is possible.

Maulvi Muhammad Abdul Ghani: After hearing the views of the Honourable Members, I beg leave to withdraw the amendment.

The amendment was, by leave of the Assembly, withdrawn.

Maulvi Syed Murtuza Sahib Bahadur: Sir, I beg to move :

"That for sub-clause (r) of clause 2 of the Bill the following be substituted :

(r) that her husband is impotent and had no conjugal connection with her since her marriage."

Sir, these are very important words to be inserted in the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved :

"That for sub-clause (r) of clause 2 of the Bill the following be substituted :

(r) that her husband is impotent and had no conjugal connection with her since her marriage."

The Honourable Sir Muhammad Zafrullah Khan: Sir, may I invite the attention of the Honourable the Mover to this that the latter part of his amendment really imports the question of evidence into the substantive law. The clause, as it stands, reads :

"That the husband was impotent at the time of the marriage and continues to be so."

Surely one of the rebuttals of such a plea would be that there has been consummation of the marriage, and that would show that the husband was not impotent all the time since the marriage took place. It is only a question of evidence. My submission is that so far as the provision of the law is concerned, the clause correctly lays down the law that the husband was impotent at the time of the marriage and has throughout continued to be so. If in between consummation has taken place, the case of the plaintiff fails.

Maulvi Syed Murtuza Sahib Bahadur: Sir, I beg leave of the House to withdraw the amendment.

The amendment was, by leave of the Assembly, withdrawn.

Maulvi Syed Murtuza Sahib Bahadur: Sir, I beg to move :

"That in sub-clause (vii) of clause 2 of the Bill, the words 'father or other' be omitted."

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved :

"That in sub-clause (vii) of clause 2 of the Bill, the words 'father or other' be omitted."

The Honourable Sir Muhammad Zafrullah Khan: Sir, I have been informed that it has been agreed that this and certain other amendments to what is now sub-clause (vii) should be accepted. Therefore, I am not opposing the amendment if it is the view of the Honourable Members who scrutinised the provisions of this Bill that this amendment should go through. But I owe it to the Select Committee to explain why the clause stands as it does in the Bill.

There are two sets of amendments which seek to bring the clause into conformity with what is generally understood to be the doctrine of Hanafi law in the matter; (1) as regards the age limit and (2) whether there shall or shall not be the option of puberty in the case of a marriage contracted on behalf of a minor by her father or grandfather. I should incidentally point out that if the paternal grandfather is meant, the word "paternal" should be added in the amendment. It was thought in the Select Committee that instead of leaving the matter vague on the question of the minority

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of the girl given in marriage, the judge should be given a sure guidance in the matter and that a definite age limit should be prescribed. It was, therefore, laid down that if a girl below the age of seventeen is given in marriage by her guardian, she should have the option of puberty which she could exercise up to the time of attaining the age of nineteen years. On the second matter, it was recognised that it was the generally accepted doctrine of Hanafi law, though it had not, by any means, been universally accepted, that there should be no option of puberty when a minor had been given in marriage by her father or paternal grandfather. There was, however, considerable doubt whether the generally accepted doctrine correctly interpreted the meaning of the law. It has been said that whereas there may be some apprehension that a guardian, other than the father or the paternal grandfather, may give a minor in marriage without studying her welfare and may be actuated by ulterior motives in arranging the marriage, the presumption in the case of the father or the paternal grandfather should be that they would not be actuated by any such motive. I think, Sir, that that kind of reasoning is based upon a misconception of the legal position with regard to this kind of marriage. I venture to submit that the correct position is that when a marriage has been contracted on behalf of a minor, he or she can repudiate it on attaining puberty.

In the case of a male, it is not necessary to make any special provision as he has the power to put an end to the marriage by pronouncing divorce. In the case of a female, if there has been consummation of the marriage, it is proof of her confirmation of the marriage, but before consummation it is open to her to repudiate the marriage. I agree that a later amendment, which seeks to make it clear that there can be no repudiation if there has been consummation, is in order, though I should have thought that the matter was implicit in the language of the clause as it stands. But with regard to the question whether the option of puberty is or is not available in the case of a marriage contracted on behalf of the minor by her father or paternal grandfather, I fail to see why this distinction should be made. I am informed that in the first case of the kind that arose in Islam the option of puberty was allowed in a case where a minor had been given in marriage by her uncle. That case is regarded as authority for the doctrine of option of puberty, but there is nothing in that case which warrants the conclusion that the option is not available where a minor has been given in marriage by her father or paternal grandfather. In my view the basis of the doctrine being that a contract entered into on behalf of a minor by his or her guardian is not binding upon the minor unless confirmed by the minor on attaining puberty or majority, the option of puberty should be available in all cases. That is the reason why the Select Committee thought that the option should be available in all cases where a minor had been given in marriage by a guardian, no matter who the guardian may be. On the other hand if it has been agreed between Honourable Members on that side that this amendment should be made, however much I might regret that that should be so, I shall not oppose the amendment on behalf of Government.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): May I ask one question? Is not the right of the minor girl after attainment of puberty to exercise her right of repudiation affected, if this amendment is accepted?

The Honourable Sir Muhammad Zafrullah Khan: I have explained that so far as I am concerned, I think the clause, as it stands, is all right. But, after all, this is a matter with which juristic interpretation has a great deal to do. And if Honourable Members on those Benches feel that the interpretation which has generally been accepted so far should continue to govern this matter, as I have said, I would personally regret it but I am afraid there is no help for it.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Sir Muhammad Yamin Khan: Sir, I listened with great interest to the arguments put forward by the Honourable the Commerce Member who was a prominent member of the Select Committee. He has fully explained the position of the Committee and the reasons which guided them to come to this conclusion to add the words "father or other person". We tried to find out if there was any authority either in the Koran or any of the Hadis. If anything can be shown to me from the Koran or even the Hadis against this I shall be the first person to jump up and accept the amendment which has been moved by my Honourable friend.

The Koran is the law made by God, and nobody who calls himself a Muslim has any right to say that any change should be made in the law as laid down in the Koran. The best interpreter of the laws of the Koran was the person through whom the Koran was handed over to the world and that person was the Prophet, whose words have been recorded every time he spoke, and they are known as the Hadis. Amongst the Hadis, there is only one which has come to our knowledge, and that is to the effect that a lady went and complained to the Prophet that she had been given in marriage, while she was not a major, by her uncle to a man and she did not like that man. The Prophet said that the marriage was dissolved. As the Honourable the Commerce Member has pointed out rightly, on this two interpretations have been put. One was that it was a question of uncle only and as uncle means other than the father, therefore this right of puberty could be exercised in cases where the girl has been given in marriage by any person other than the father. But the interpretation which has been given by the Honourable Sir Zafrullah Khan is this: that really the principle involved in the ruling or interpretation of the Prophet on the Koranic law is that a woman, where she has been given in marriage by a person when she was a minor, has got a right to accept that marriage or not to accept that contract, because under Muhammadan law marriage is really a civil contract and that contract can be accepted or nullified by her just like any other thing done on account or on behalf of a minor in civil matters. I have got the greatest respect for the jurists who put other interpretation: as a matter of fact I follow one of those jurists myself: I am a Hanafi and I follow Abu Hanifa in all things. But if I find anything which he has omitted or something which needs correction, then I am at liberty to do so. As a matter of fact he allowed the opinion of his two disciples to overrule his own decision sometimes. Yusuf and Muhammad, his two great disciples, were great jurists themselves and on many occasions they differed from Abu Hanifa and on many times he accepted their opinions. So it leads me to think that when Hazrat Abu Hanifa himself allowed his

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own disciples to differ from and overrule him, it means that he laid down the principle that every follower of Abu Hanifa can, when he finds that there is reason to differ from the law laid down by him, or by his disciples, be allowed to do so. This was the old law, the Roman law, in which, according to the *patria protestas*,—that the father had absolute right over the children and could dispose of and sell them into slavery or do anything he liked: that a remnant of those ideas might have been influencing the opinion prevailing at that time. But when Islam came, it gave freedom and liberty to every person. The father had a right only in certain matters over the children, as long as they remained minors. Here too the father could exercise that power just like a certificated guardian under the present law. But when a woman is made to live with a husband she must be allowed to have her say in all matters. 1,355 years ago, the law was given to the woman by the Prophet of Islam, which was not enjoyed by the women at that time and even in many cases it is not enjoyed even now. That was the spirit of the Islamic law, and it was far in advance of the then state of the world. When that law gave to the woman her proper right, now that any Muslim should come and say that he wants to curtail those powers and those rights instead of advancing them is in my opinion not Islamic.

We have to see the Islamic law under the spirit of Islam. The spirit must be there. We must be guided not merely by the rulings or interpretations that have been given under totally different circumstances on the principles of law. When we find here that the law is intended to give absolute freedom of choice to a woman to marry, that freedom must exist in all cases and that freedom can be exercised by her only, because she is the person who is to gain or lose, to enjoy or suffer through the marriage tie. Therefore, it is really incumbent on every Muslim who comes as a jurist here, who wants to legislate for Indian woman, that he should take into consideration the fact that the rights of women should not be jeopardised simply because they are not represented in this House. I am sure, if we have a single Muslim woman properly educated here in this House, then absolutely different ideas would have been expressed on the floor of this House. I know, Sir, that the demand from educated Muslim women is becoming more and more insistent that their rights should be conceded to them according to Islamic law. The one result of it has been the recent enactment of the Shariat Bill and the person who brought forward that Bill is hailing from the Punjab where the Shariat law had never before seen the light of day.

Now, Sir, the Muslim jurists thought that every Mussalman, like themselves, would be a very honest man, he will be under no influence of others, because they all lived at a time when they were under the influence of nobody else. They were all honest and independent people, and nothing deterred them from doing their duty, and therefore the jurists in those days thought that according to Islamic principles every Mussalman would be an ideal Mussalman, and as such he would be an ideal father and he would sacrifice his life rather than sacrifice the interests of his daughter. That was the state of affairs when they gave an opinion of this kind, but now what is the position? Are the Mussalmans of India today coming up to the expectations formed of them by those old jurists? The Mussalmans

in those days were given the power to contract marriages on behalf of their daughters,—it was not their inherent right,—it might have been an inherent right under the old Roman law which had greatly influenced the people who lived at that time,—and the fact that they were given the power to contract marriages on behalf of their daughters presupposed that the fathers would be absolutely honest men. But today we find to our great sorrow that many fathers ignore the interests of their daughters through the influence of step mothers. I have come to know of many cases of this kind. When a man marries a second time, his daughter is not properly looked after by his second wife; that second wife influences her husband who completely ignores the interests of his daughter by the first wife. This is our experience at the Bar and many cases of this kind have come to our notice. A majority of Muslims in this country have not been properly educated in the spirit of the Islamic law, and they do not exercise the power which is vested in them through this interpretation of the law. That interpretation is not quite correct and not suited to the present circumstances in the country. For instance, if a girl is given in marriage by her father to a man who treats her cruelly, she can seek a divorce under the present Bill. That is all right. But if, let us say, a girl of 10 or 12 is given in marriage to an old man of 50 or 60—when she attains proper age this man will become an old crony—she will not be able to get divorce from him under this Bill, and a divorce will become absolutely necessary in such a case owing to the wide disparity in age between the two. There may also crop up many other questions, and she must be given complete liberty to decide whether she should remain under this old man or to get away from him, but it is only a power given to the girl after it has been taken away from her father. That is only a transfer of power and nothing else, and this transfer of power does not go against the spirit of Islamic law. But I can assure the House that if the Ulemas outside will produce any authority from the Quran which will be contrary to this or which says that the power must be exercised by the father only and not by the daughter, then certainly I shall bow to them, and I shall be the first to come forward with an amendment to amend this law in that form, but until we get such a view I think a Muslim woman must be given full liberty and full right to exercise her choice in matrimonial matters. Sir, I regret I cannot agree with the amendment moved by my friend, and I hope he will see his way to withdraw it, because we can always make necessary amendments if we find the present legislation defective in any respect.

Mr. M. Ghiasuddin: Mr. Deputy President, I agree word for word with what has fallen from my Honourable friend, Sir Muhammad Yamin Khan. He has deplored the absence of a Muslim Lady Member in this House, for if one were present today, she would have put before the House a different point of view, the point of view of Muslim women. But, Sir, we are happy that at any rate we are fortunate to have one Lady Member present among us, and I think the House can rightly expect to have the benefit of her views on this Bill. As far as the present amendment is concerned, the whole question is this. If the father gives away his daughter in marriage to a man whom she considers to be unsuitable or undesirable, has she the right or the power to nullify the marriage when she attains her age? I would request Honourable Members to look at this question from a purely logical standpoint, because, after all, it is the daughter who has to live all her life with the man and perform all the duties of a wife. What is she to do if that husband is absolutely repulsive to her? Is she to go on living a

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sort of living death? Because her father contracted her marriage when she was young, has she no right to call her soul her own and resist or nullify the marital tie when she knows her own mind? This is the position before the Honourable Members, and I am sure if they look at it from a dispassionate point of view, they will decide properly. Islam has given rights to women and we have to judge the question in this light whether Islam has given women the right to call their souls their own or not. That is the whole question. Again, while deciding any point the Muslim jurists have in the past always exercised that right with common sense. So I will request all Honourable Members in this House to look at this question without any consideration of Party feelings or Party Whips and to look at it from the common sense point of view, whether women should be able to exercise their own judgment, where their own personality is concerned or not. That is the question before the House and I hope that they will give their verdict in a proper manner.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Mr. Deputy President, I had no intention of taking part in the discussion over the amendment that has been moved, but it appears to me that the opposition to the amendment raises a question of importance over which I, at any rate, shall not be justified in keeping mum. Much has been said about the rights of women from the theoretical point of view. I am not second to any one in this House as a supporter of the real rights of women, especially the rights of Muslim women which have been conferred on them by Muslim law. But it appears to me that in the matter of the marriage of a girl effected by a father or by a paternal grandfather we should not be influenced too much by the idea that possibly the girl's best interests, if the marriage takes place during her minority, have not been borne in mind by the father or the paternal grandfather. In fact, the Muslim jurists, in acceding to her the option of puberty in cases other than those where the marriage had been effected by the father or grandfather, did all that should have been done and could have been done, and to go beyond this, I would suggest to the House, would be really entertaining too much suspicion about the motives which influence the father or the grandfather in the matter of such marriages.

Mr. N. M. Joshi (Nominated Non-Official): Leave it to the girl whether to accept the decision of the father or not.

Syed Ghulam Bhik Nairang: If you saddle the father or the paternal grandfather with the responsibility of bringing up, educating and in all other ways consulting the best interests of their charge, certainly you must make a very, very strong presumption about their having consulted the girl's best interests in the matter of giving her in marriage, especially when she happened to be a minor yet. I think we must presume that the tenderest regard and the most delicate affection will be entertained by the father or grandfather towards their innocent charge, especially when she is a minor, and I think the presumption is almost inevitable that in giving her away in marriage the father, at any rate, cannot have acted otherwise than honestly and with the best of intentions and with the best of motives. I think in Muslim law there is even in the matter of father or grandfather an exception where it is proved that the father or grandfather actually acted in bad faith. That is to say, the presumption is always in favour of

his having acted in good faith and in the best interests of the minor, but it can be proved as a matter of evidence in a particular case that in that case the father acted otherwise than in good faith or acted with improper motives. That is a different thing altogether, but we must not think of rare cases where the father would be so influenced. We should think of the vast majority of cases where as a matter of natural course of events he does not act otherwise than in the girl's best interests. It has been said that, in the good old days when the Muslims used to be ideal Muslims and used to act according to the true tenets of Islam and felt their responsibility in these matters as real Muslims, matters were different, but now-a-days we have fallen on bad days and there are any number of people who act otherwise than in good faith. I think the trend of the argument was such that Honourable Members who laid stress on that point appeared to ask us to presume that the father must have acted otherwise than in the best interests of the minor and the minor on attaining the age of majority or on reaching a certain age should have the option of having the contract of marriage revised and should have the right to exercise her own independent judgment as to whether she would abide by the contract or not. I submit that to adopt such an attitude would really be subversive of the social system. I think if a father is not given the absolute right of disposing of

Sir Muhammad Yamin Khan: On a point of personal explanation, Sir. I think my Honourable friend has misunderstood me. I did not say that it should be presumed that the father acted against the interests of his daughter. But what I say is that if the father does act against the interests of the daughter, the girl must have the right to exercise her right of puberty.

Syed Ghulam Bhik Nairang: I am thankful to my Honourable friend for having enlightened me as to what he meant. But I do not think that in any way affects my argument. I say that the kind of cases where, according to his personal experience, fathers have acted either for mercenary considerations or some other dishonest motives,—those cases must be very, very rare and confined to what I am very reluctantly compelled to call the lower strata of society. But I would respectfully point out to Sir Muhammad Yamin Khan that in these so-called lower strata of society—I am loathe to call them the lower strata of society, but such language has occasionally to be used even against one's will—in those lower strata of society, the question of the girl, on attaining majority, making a choice for herself will seldom arise and, therefore, he must not be influenced too much by that. He should rather think of the normal state of things. The normal state of things is certainly this, that the father never fails to consult the best interests of the girl, and if he has made a choice, certainly the girl, as soon as she has attained majority or reached the age of seventeen years, will not be a better judge of her interests than her father was at the time of her marriage or is even when she has attained majority. So, I submit that in refusing to accept this amendment we shall be really committing a mistake because we know that as a matter of fact the vast majority of Muslims in India are Hanafi Muslims and the well-known doctrine of the Hanafi school has so far been the doctrine known as the option of puberty which has certain conditions attached to it, and one of the conditions is that when the father gives away the daughter in marriage

[Syed Ghulam Bhik Nairang.]

there is no option of puberty. I think in overruling that doctrine we shall be making a very violent departure from the established law, a departure which I am afraid will give good cause to the Muslim Community to complain that their personal law has been too much interfered with. No doubt, we have made every effort—I was in the Select Committee too—to go as far as we could in the direction of observing all the essential conditions of Muslim law as laid down by the various schools but it appears to me on further consideration that perhaps in this matter we did not pay enough regard to the essentials of the Hanafi doctrine of option of puberty and one or two more amendments on this point are to follow. We shall still be not accepting the Hanafi doctrine as it stands in every minute detail but we shall be adhering to it in substance, and then we shall have reasonable grounds for convincing people that after all their personal law as it stood till today has not been interfered with in any material way. I would very respectfully ask the Muslim Members of this House to reconsider the matter in the light of the very few observations I have made and not to insist too much on this theoretical right of the girl to judge for herself even when the father has judged for her to the best of his ability and in all good faith. For these reasons I support the amendment moved by Syed Murtuza Sahib Bahadur.

Mr. Abdul Qaiyum: The only point which has been made so far in support of this amendment is the doctrine of the infallibility of the father.

3 P.M.

I have come across many fathers who have given away their daughters in marriage for all sorts of motives. They have given away their daughters for money, and there have been many instances where fathers have given away daughters to very old persons where some money has been forthcoming or where the marriage might result in the feeling that they are connected with a very important family. I think this right, which is a very valuable right, of denouncing the marriage after puberty or a certain age, if the girl feels that the marriage is a wrong one, should not be whittled down in the manner in which it is sought to be whittled down by this amendment. We are taking away with one hand what we are giving with the other, and if this amendment is carried, then the rest of the clause becomes useless. Sir, I oppose this amendment.

Mr. M. Asaf Ali: I would not have spoken but for what my learned friend, Mr. Ghulam Bhik Nairang, has said. He was also a Member of the Select Committee and a very prominent Member who took an active part in the deliberations of the Committee. He has changed his mind on second thoughts.

Syed Ghulam Bhik Nairang: I said 'on further consideration'.

Mr. M. Asaf Ali: I am even now inclined to support the recommendation of the Select Committee as far as this particular clause is concerned, because I think the Select Committee went into all the pros and cons of the various arguments which have been advanced now and eventually they came to the conclusion that after all, marriage under Muslim law—I want to go to the root of the whole thing—is a purely contractual relationship.

An Honourable Member: It is a socio-religious function.

Mr. M. Asaf Ali: If it is a purely contractual relationship, it is perfectly simple that, if a minor guardian enters on behalf of the minor into a contract surely the minor ought to have the option to repudiate that contract on attaining the proper age. That seems to be a very simple and straightforward issue. Why should we lay stress on the fact that there is a great deal of case law on the subject? Case law on the subject is only the result of the deliberations of the various jurists who considered the conditions of their times and gave their decisions according to the circumstances which prevailed at the time. Today it is open to us to reconsider the whole situation in the light of our experience. I quite realise that there is a very strong feeling on the subject. I do not want to minimise its importance. There is a strong feeling outside and among certain Muslim Members here that the doctrine of *Khayar-i-blugh* (option of puberty) as interpreted by various jurists so far should not be departed from. I am fully aware of that fact but in spite of that feeling I think that it only stands to reason that a minor girl who has been given in marriage by anybody has not exercised her free consent and if the marriage has not been consummated she should have the right to exercise the option of majority. I see absolutely nothing wrong about it. I am not suggesting for a single moment that I am determined to stick to this opinion. This is my personal view of what should be done. I want to make my position clear. I want to accept the report of the Select Committee as I find it, but if a majority of Muslims present in this House are anxious that they should go further than that, I shall give in on this point only to this extent—I want to make it clear and if no assurances are forthcoming I shall certainly oppose this amendment also—that I shall be prepared to accept amendment Nos. 27 and 28 but I will not accept amendments 29 and 30. Provided you do not insist on pressing amendments Nos. 29 and 30 to a division, I shall certainly accept amendments Nos. 31 and 33 but not 32. This is my position. In other words I am prepared to amend this sub-clause in such a way that it may read as follows: "that she having been given in marriage by her lawful guardian before she attained the age of 15 repudiated the marriage before attaining the age of 17 years". If this is how it is going to read, I do not mind accepting the amendment but if you want to go further than that, I shall certainly oppose all the amendments.

The Honourable Sir Muhammad Zafrullah Khan: So far as I am concerned, I have adopted and shall maintain a position of neutrality on this, but with regard to what Mr. Asaf Ali has just said, I want to clear up one point. He says he is prepared to accept amendments Nos. 27 and 28, which would mean that the plaintiff must have been given in marriage by her lawful guardian. That will include the father and the grandfather!

Mr. M. Asaf Ali: That is why I said that I was prepared to accept this amendment.

Maulvi Abdur Rasheed Chaudhury (Assam: Muhammadan): Mr. Deputy President, if the amendment moved by my Honourable friend, Maulvi Syed Murtuza Sahib Bahadur, is accepted, it will mean that the girl, once she is given in marriage by her father or grandfather, would not be able to repudiate the marriage on her attaining the age of nineteen. Sir, this amendment would have been appreciated in the *satya yuga* when fathers were real fathers and grandfathers were real grandfathers and they saw to the best interests of the girls and nothing else but in the *kali yuga*

[Maulvi Abdur Rasheed Chaudhury.]

opinions have changed and fathers have changed and grandfathers have changed and we know from our every-day experience how many influences work in deciding the marriage of a girl even by a father or by a grandfather. There are instances where a father will not hesitate, if he can acquire a little sense of aristocracy, to give his daughter in marriage even to an undesirable person. There are instances where the influence of property also works in deciding the marriage of a girl and there are also instances in which fathers and grandfathers frequently sell girls for money. Such being the case in this *kali yuga*, we cannot rely on fathers and grandfathers. The girl should have all the protection given under the law to her and a father or grandfather should not be made any exception. If a father or a grandfather is going to be exempted in this sub-clause, it means that in ninety per cent. of the cases the girls will lose their independence and the right of repudiating the marriage because in the majority of the cases the fathers or the grandfathers get such girls married when they are minors. So, Sir, it is no good passing this Bill if the action of the father or the grandfather is going to be exempted. I oppose this amendment.

Mr. Lalchand Navalrai: Sir, it appears to me that now that I find that there is some difference of opinion amongst the Muslim Members here, I would like to place before this House the legal position. Now, what is the legal position at present with regard to the marriage of a minor done by a father or by a grandfather? The present position is that, under the Child Marriages Restraint Act, children, under fourteen years of age, cannot be given in marriage by the father or by the grandfather or by any guardian. It might be said that if the marriage of a girl under fourteen years of age is made by any guardian or by the father or grandfather, such a person may be punished under the Act, but the marriage will not be invalid. I may mention that the present position is that authorities before whom these cases have come in the Courts have held that if a father or anyone else performs the marriage of a girl under fourteen years of age against the Child Marriages Restraint Act, he will be incompetent to be a guardian and the Court will not give the custody of the girl to such a guardian. Therefore, I say that since the present law is like that, why should not the power under the Muhammadan law, given to a girl of repudiating a marriage performed by a father or anyone else when she was a minor, be exercised?

Qazi Muhammad Ahmad Kazmi: Sir, all sides of the argument have been very clearly placed before the House, and I have specially considered the appeal that has been advanced by my Honourable friend, Mr. Lalchand Navalrai. I would, therefore, commend to the attention of the House the proposals that have been suggested by my Honourable friend, Mr. Asaf Ali. That may meet probably the wishes of all of us though we are going to a certain extent against our own conviction. Therefore, I would commend the suggestion of Mr. Asaf Ali to the House.

Sir Muhammad Yamin Khan: Sir, I would suggest a procedure that if you would allow all the amendments, that have been mentioned by Mr. Asaf Ali with regard to which he has said that he is going to accept, to be moved together and put all those amendments before the House as a whole, that might be better?

Mr. Deputy President (Mr. Akhil Chandra Datta): There can be no bargaining.

The question is:

"That in sub-clause (vii) of clause 2 of the Bill, the words 'father or other' be omitted."

The Assembly divided:

AYES—12.

Abdul Ghani, Maulvi Muhammad.	Ghulam Bhik Naurang, Syed.
Abdullah, Mr. H. M.	Muhammad Ahmad Kazmi, Qazi.
Asaf Ali, Mr. M.	Murtuza Sahib Bahadur, Maulvi
Azhar Ali, Mr. Muhammad.	Syed.
Bhutto, Mr. Nabi Baksh Illahi	Raza Ali, Sir Syed.
Baksh.	Shahban, Mian Ghulam Kadir
Fazl-i-Haq Piracha, Khan Bahadur	Muhammad.
Shaikh.	Umar Aly Shah, Mr.

NOES—27.

Abdul Hamid, Khan Bahadur Sir.	Kushalpal Singh, Raja Bahadur.
Abdul Qayyum, Mr.	Lalchand Navalrai, Mr.
Ahmad Nawaz Khan, Major Nawab	Malaviya, Pandit Krishna Kant.
Sir	Manu Subedar, Mr.
Ayyangar, Mr. M. Ananthasayanam.	Paliwal, Pandit Sri Krishna Dutta.
Basu, Mr. R. N.	Rahman, Lieut.-Col. M. A.
Deshmukh, Mr. Govind V.	Ramayan Prasad, Mr.
Gadgil, Mr. N. V.	Sant Singh, Sardar.
Ghiasuddin, Mr. M.	Singh, Mr. Ram Narayan.
Gupta, Mr. K. S.	Sinha, Mr. Satya Narayan.
Hegde, Sri K. B. Jinaraja.	Sivaraj, Rao Sahib N.
Joshi, Mr. N. M.	Som, Mr. Suryya Kumar.
Kailash Behari Lal, Babu.	Subbarayan, Shrimati K. Radha Bai.
Kamaluddin Ahmed, Shams-ul-Ulema.	Varma Mr. B. B.

The motion was negatived.

Maulvi Muhammad Abdul Ghani: Sir, I move:

"That in sub-clause (vii) of clause 2 of the Bill, before the word 'guardian' the word 'lawful' be inserted."

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in sub-clause (vii) of clause 2 of the Bill, before the word 'guardian' the word 'lawful' be inserted."

Several Honourable Members: This amendment is not necessary.

Mr. Deputy President (Mr. Akhil Chandra Datta): Does the Honourable the Mover wish to withdraw it?

Maulvi Muhammad Abdul Ghani: Yes, Sir.

The amendment was, by leave of the Assembly, withdrawn.

Maulvi Muhammad Abdul Ghani: Sir, I move:

"That in sub-clause (vii) of clause 2 of the Bill, for the words 'before she attained the age of seventeen years' the words 'while she was a minor' be substituted."

By this amendment the laws that have already been passed are not going to be violated or encroached upon. The question here is a simple one. It is the question of the repudiation of marriage and nothing more.

[Maulvi Muhammad Abdul Ghani.]

If we say: 'before the age of 14 or before the age of 17', it is altogether the same. The Child Restraint Marriage Act is not for the repudiation of marriage: it is only a penal Act. It only provides the penalty for contracting the marriage at a certain age. Here the question is about the repudiation. The Muslim jurists are in favour of the repudiation of such marriages only which are performed during the age of minority. If a woman attains the age of puberty, she cannot repudiate the marriage except under the provisions which are going to be provided. After this amendment is carried, there is another part of it which will be found in amendment No. 32. That amendment describes what sort of marriages can be repudiated. If she is a major when her marriage was performed then she has no right to repudiate her marriage because she had sense enough to see her own interest. Therefore, the words: 'while she was a minor' are most essential. Honourable Members will say that it will be very difficult and sometimes disgraceful to discuss in a court points relating to puberty which should not be brought before the court. Expert opinion regarding majority and minority of age is most essential in all cases. Unless a lady doctor examines a girl whether she is a minor or whether she has attained the age of puberty, no court will attach any value. Thus the whole idea of disgrace in court falls to the ground. I move, Sir.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in sub-clause (vii) of clause 2 of the Bill, for the words 'before she attained the age of seventeen years' the words 'while she was a minor' be substituted."

The Honourable Sir Muhammad Zafrullah Khan: Sir, these are delicate matters and one has to tread warily in respect of them. I have not so much an objection to the amendment which has just been moved, but that amendment necessarily goes with amendment No. 32. If this amendment is carried, then amendment No. 32 will have to be carried; otherwise we shall be fixing a limit by a definite number of years at one end and leaving it indefinite at the other. The clause as it has emerged from the Select Committee puts the two limits at 17 and 19. Now, if 17 is to be substituted by the phrase "while she was a minor", then amendment No. 32 will have necessarily to be accepted, that is to say she may repudiate the marriage on her attaining puberty. I am objecting to amendment No. 30 because a difficulty will be created by amendment No. 32. There the expression which has been used is not "when she attains majority" which would be a question of the age of majority, whether under the Majority Act or under the provisions of the Muhammadan law. There the question will be whether the plaintiff repudiated the marriage immediately on perceiving signs of puberty. I would appeal to Honourable Members that that does involve not merely the question of age which can always be proved in these days by producing the birth certificate but subjecting the plaintiff to cross examination as to when she perceived the signs of puberty. I submit with all respect that cross examination on such a point in a court of law would be immodest and might become indecent. I, therefore, submit to Honourable Members who are responsible for this amendment that it would be far better for the Judge as well as for the parties and the Counsel engaged in the case that they should go by a limit of age, it does not matter what it is, I am not wedded to 17 or 19, rather than that the law should be left in a state where this kind of evidence is to be given in open court. Under the rules of evidence which prevail in modern

courts, I certainly do not wish to make myself a party to anything which should necessitate that a girl of 18, or any woman for that matter, should, for the purpose of obtaining relief, be subjected to cross examination with regard to these matters. I, therefore, say that it would be far better to proceed on the lines of amendments 31 and 33 rather than of amendments 30 and 32. So far as the question of age is concerned, I myself was of the view that the two limits should be 18 and 21, but it was said in the Select Committee that we need not necessarily adopt the two standards which are laid down in the Majority Act under different circumstances and, therefore, the limits of 17 and 19 were agreed to. I think we need not be rigid in these matters. Standards have advanced considerably with regard to these matters and, after all, the whole object is this: if a girl has been given away in marriage while she was a minor, then she should have a reasonable time after attaining puberty within which to repudiate the marriage. Having regard to that you can fix any limit you like. I would appeal to Honourable Members not to fix something which would involve proof as to when the girl perceived signs of puberty and her cross examination on the point.

Mr. Abdul Qaiyum: I should also like to oppose this amendment because it would be putting a premium on vagueness. Just now the Honourable the Mover of the amendment was so vague in his mind about withdrawing the amendment or not that it led the Honourable the Deputy President also to get confused about the intention of the Mover.

Maulvi Abdur Rasheed Chaudhury: Sir, I also oppose this amendment because no sensible woman would like to put herself to the test of medical examination in order to prove her attainment of puberty. This is a very delicate matter and the less we touch upon it the better. Sense of decency requires that we should not drag such things before courts of law. I would appeal to the Honourable the Mover to think over this and see his way to withdraw the amendment.

Sir Muhammad Yamin Khan: Sir, my objection to this amendment is very simple. The clause, as proposed to be amended by the Honourable the Mover, would read:

"That she, having been given in marriage by her father or other guardian while she was a minor."

This means that in every case when a marriage is contracted as he has explained a medical examination should take place while the marriage is going on to find out whether she has attained puberty or not.

Maulvi Muhammad Abdul Ghani: I never said anything of the kind. I did not say that while marriage is performed a certificate should be produced. I said that when the case comes before the court the court will attach much importance to a certificate granted by a lady doctor.

Sir Muhammad Yamin Khan: Quite right, but when she goes to Court, she will go as a major and not as a minor, and she will say that when she was married, she was a minor, but now she is a major, and, therefore, the marriage should be repudiated. Then the court will want evidence of the fact that she was a minor when married, and my friend by implication means that she must get herself examined at the time of her marriage

[Sir Muhamamad Yamin Khan.]

that she was a minor and that when she comes to court she is a major. I think this is an unnecessary amendment which will cause hardship to Muslim women and I hope my friend will withdraw it.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That in sub-clause (iii) of clause 2 of the Bill, for the words 'before she attained the age of seventeen years' the words 'while she was a minor' be substituted."

The motion was negatived.

Maulvi Syed Murtuza Sahib Bahadur: Sir, I move:

"That in sub-clause (iii) of clause 2 of the Bill, for the word 'seventeen' the word 'fifteen' be substituted."

So far as Muslims are concerned, they will agree with me when I say that there is almost a consensus of opinion among Hanafis, Malikis, Shafais and Hambalis that 15 is the age of puberty and, therefore, I say that instead of 17 we should have 15. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in sub-clause (iii) of clause 2 of the Bill, for the word 'seventeen' the word 'fifteen' be substituted."

Mr. Abdul Qaiyum: Sir, I oppose this amendment. Here an attempt is being made to reduce the age from 17 to 15 which means that girls between 15 and 17 who are married by their guardians will lose the option of puberty. And, I submit, it is not a proper thing to do. Are the girls between 15 and 17 of such mature judgment and consideration that they should lose this right? I am emphatically opposed to this. I have great respect for the Mover, but not for his views.

Sir Muhammad Yamin Khan: Sir, my Honourable friend, Mr. Abdul Qaiyum, is under a misapprehension. What my friend, the Mover, says is that the consensus of opinion among Muslim jurists is that a girl, when she attains the age of 15, is a major, and, as such, nobody has any right to give her in marriage or contract a marriage on her behalf. She has got full liberty to contract her own marriage. Without her free consent there can be no marriage at all. It is only in the case of minors that the consent of the girl has not to be taken and that happens only when she is below 15. Now, as Muslim jurists have laid down, 15 is the age of puberty and under Muslim law, as I said just now, no father or other guardian has a right to contract a marriage on her behalf. She can refuse it and the marriage will not be valid. And according to the Muslim marriage system either the girl must be present herself to give her consent before the Qazi or she must have one representative and two witnesses that she has given her consent. And unless that consent has been obtained by force or fraud that consent will be taken to be a valid consent. I hope therefore my friend, Mr. Qaiyum, will have no objection to the amendment. I would have liked it to be 17, but I reluctantly accept the amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That in sub-clause (iii) of clause 2 of the Bill, for the word 'seventeen' the word 'fifteen' be substituted."

The motion was adopted.

Maulvi Syed Murtuza Sahib Bahadur: Sir, I move:

"That in sub-clause (vii) of clause 2 of the Bill, for the word 'nineteen' the word 'seventeen' be substituted."

Even without any speech from me I hope the House will accept this.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in sub-clause (iv) of clause 2 of the Bill for the word 'nineteen' the word 'seventeen' be substituted."

The Honourable Sir Muhammad Zafrullah Khan: Sir, I have a suggestion to make. I would ask the Honourable the Mover whether he would be prepared to accept "eighteen". After all, there is no question here of interpretation by jurists, only a question of reasonable time being given within which to repudiate.

Maulvi Syed Murtuza Sahib Bahadur: Sir, I have no objection.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That in sub-clause (vii) of clause 2 of the Bill for the word 'nineteen' the word 'eighteen' be substituted."

The motion was adopted.

Maulvi Syed Murtuza Sahib Bahadur: Sir, I move:

"That to sub-clause (vii) of clause 2 of the Bill, the following proviso be added: 'Provided that there has been no consummation of the marriage'."

Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That to sub-clause (vii) of clause 2 of the Bill, the following proviso be added: 'Provided that there has been no consummation of the marriage'."

The Honourable Sir Muhammad Zafrullah Khan: Sir, this amendment is in a way necessary though it is implicit in the clause, and there can be no objection to it. But I suggest that perhaps it would be better if we say, "Provided that the marriage has not been consummated."

Maulvi Syed Murtuza Sahib Bahadur: Sir, I have no objection.

Sir Syed Raza Ali: Sir, I suggest that the proviso sought to be inserted is wholly unnecessary. This is the essence of the whole thing. Everybody who has anything to do with Islamic law knows that a proviso of this character is wholly unnecessary. A woman forfeits her right to exercise the option of puberty the moment the marriage is consummated. I do not think we need reproduce here undisputed and well-known provisions of the Muslim law. We know that it is the very essence of the exercise of the option of puberty that the marriage should not have been consummated. I think it will be wholly superfluous to say so. Any man who casually goes through the Bill will have a very poor opinion of the legal acumen of this House if amendments of this character are to be carried. I am not opposed to it, but I think it is unnecessary.

Sir Muhammad Yamin Khan: Sir, I fully agree with my learned friend, Sir Syed Raza Ali, that it is a well-known principle of Muhammadan law that marriage cannot be repudiated once it has been consummated. But here we are consolidating the Muhammadan law: we are not going against it; and therefore, it is necessary to lay down expressly what the law is. This was left out by an oversight by the Select Committee, although it may be a necessary implication, and it struck me when I got the Select Committee's Report and I mentioned it to several of my friends that it was necessary to have these words.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is: "That to sub-clause (vii) of clause 2 of the Bill, the following proviso be added: 'Provided that the marriage has not been consummated'." The motion was adopted.

Bhai Parma Nand (West Punjab: Non-Muhammadan): Sir, I move: "That after sub-clause (viii) of clause 2 of the Bill, the following new sub-clause be added: '(ix) on the ground of renunciation of Islam or conversion to a faith other than Islam'."

My Honourable friend, Mr. Abdul Qaiyum, referred to my speech on the first reading. I may just tell him that in that speech I was giving expression to the Hindu point of view. Certain objections to the Bill were raised in some Hindu quarters and as my opinion was asked, I said that if this defect was removed that would satisfy me as well as the Hindu community. But here when I move this amendment, I am not talking as a Hindu but as a Member of this House.

This amendment is a very simple one. A number of grounds have been put in clause 2 for getting a decree of divorce; my amendment adds one more. The importance of this amendment lies in the fact that apostasy is the central point of this Bill. The title says: "to remove doubts as to the effect of the renunciation of Islam by a married Muslim woman on her marriage tie." This is admitted by almost all the speakers that up till now divorce has not been allowed to muslim women on any ground. As my Honourable friend, Mr. Abdul Qaiyum, suggested, men had usurped this right depriving women of any such privilege, although the teachings of the Koran treated both men and women alike. All the same the fact is that men did not allow the women to have divorce for any reason.

The Honourable Sir Muhammad Zafrullah Khan: In this country. In other Muslim countries it is freely allowed.

Bhai Parma Nand: Yes, I am talking of this country. While the husband can divorce his wife on any ground, however frivolous it may be, wife has no right. Therefore, some way had to be found for women to get this right and this being the chief aim of this Bill I say that apostasy is the central pivot on which this Bill is to move. In the Statement of Objects and Reasons the Mover has said that Hanafi law did not make any provision for Muslim women to get divorce when they were maltreated by their husbands or even not maintained by them, and so on. Again on a matter of principle, Justice Ameer Ali in his Muhammadan Law says: "All sects in Islam join in laying down that conversion from Islam to

other religion by either of the spouses dissolves the marriage tie." I need not go into detail in this matter. I do not think any of my Muslim friends would object to the view, that it is a cardinal principle of the Muslim religion that abjuration of Islam dissolves the marriage tie. This principle has also been recognised by the High Courts and accordingly they have given their rulings; and this has been the recognised practice of the law courts during the last seventy years. In the speeches that have been made, we find that women in order to get rid of their husbands use this apostasy or abjuration of Islam, as a device to get rid of undesirable husbands. All these facts show that this apostasy is the root cause of this Bill.

I have given so many grounds in support of my amendment, *i.e.*, apostasy has all along been acknowledged as a ground for divorce. Now when we find 18 or 19 additional grounds are laid down for allowing women to sue for divorce, why should apostasy be altogether omitted which has all along been recognised as a main ground for getting divorce and has been held so by the law courts. Now, to take away apostasy from all the other grounds which are now discovered as new grounds for getting divorce, does not seem to be either fair or reasonable. Therefore, Sir, my view is, that this amendment, being a very simple one, should be accepted by the Mover. It adds only apostasy as one ground for seeking divorce. My friend, Mr. Asaf Ali, has said in his minute of dissent:

"While the present clause 4 does not rule out "the renunciation of Islam or conversion to a faith other than Islam" as a ground for dissolution of marriage, sub-clauses (a), (d) and (e) of clause 2 (ix) provide ample grounds for dissolution of marriage."

All other grounds may be sufficient to sue for the dissolution of a marriage, and it may not rule out apostasy as one ground for getting a divorce but my point is that as this has been the real way to get a divorce for women all this time both in principle and in practice, I cannot see why apostasy should not be added as one of the grounds for bringing a suit for divorce. I do not think, Sir, that the Mover should find any hitch in accepting this amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That after sub-clause (viii) of clause 2 of the Bill, the following new sub-clause be added:

"(ix) on the ground of renunciation of Islam or conversion to a faith other than Islam."

The Honourable Sir Muhammad Zafrullah Khan: Sir, I have no desire to enter into a controversy over the merits of this amendment. Perhaps other Honourable Members may wish to speak on that aspect of the matter, but I wish to draw the attention of the House to two matters in respect of this amendment. One is that this amendment and ground (e) of what is now clause (viii) have both reference to what is now clause 4. Ground (e) of sub-clause (viii) of clause 2 says that it shall be a ground for divorce if the husband obstructs the wife in the observance of her religious profession or practice. That was put in to meet the objection that if a married Muslim woman becomes a convert to a faith other than Islam, there is grave danger that the husband might resort to this form of persecution, he might put obstructions in the way of the exercise of her faith. Now, that is a ground for divorce already recognised by the

[Sir Muhammad Zafrullah Khan.]

Muslim law. It is not that the ground was invented, but it was put into this Bill in order to put the matter beyond doubt, and it would apply equally to a Muslim wife and to a non-Muslim wife. But the point is this. Some Honourable Members had put down an amendment to the effect that this ground should be deleted,—I think it was amendment No. 36. I persuaded the Members of the Muslim League Party not to move for the deletion of this ground, because this was one of the remedies for the kind of case I have mentioned. That being the case, I think it is rather unfair,—of course it is open to Bhai Parma Nand to press his amendment,—but it is rather unfair that his amendment which really modifies clause 4 should be persisted in.

Then, Sir, the second point is this. Bhai Parma Nand says—and said this somewhat vehemently before the Select Committee also,—that apostasy from Islam or renunciation of Islam has always been recognised under Muslim law as a valid ground for divorce. That is his contention, while the contention of the Muslims is that it has never been recognised as a ground for divorce. But accepting for one moment, that it is so, if he is confident he could establish it before a court of law, it is fully covered by what is now sub-clause (ix) of clause 2, that is to say, that a divorce can be obtained on any other ground which is recognised as valid for the dissolution of a marriage under the Muslim law. I have said it is the contention of Muslim Members, that renunciation of Islam is not a valid ground for divorce, but it is the contention of the Honourable the Mover of this amendment that it is so recognised. If he can establish it before a Court of law, he will get a remedy.

Mr. Abdul Qaiyum: Sir, I must congratulate my friend, Bhai Parma Nand, on putting a controversial matter in a non-controversial manner. He has based his case on the assumption that it is a well established principle of Muhammadan law that apostasy immediately results in dissolution of marriage *ipso facto*, and I think speaker after speaker asserted it by supporting that assertion by quotations from the texts to show that among the Muslims also there are two schools of thought. There was a school of thought which held that renunciation of Islam resulted in dissolution of marriage. There is also a very influential section which holds exactly the contrary view. Therefore, Sir, if we were to accept the amendment, then what is the controversial point among the Muhammadans themselves? We would be substituting for it a law which cannot be called Muhammadan law. If the Honourable the Mover of this amendment thinks that renunciation of a religion by a Muslim woman necessarily results in dissolution of marriage, and if the legal position is so clear, then I think there is absolutely no necessity for this amendment. This is the point at issue. The Honourable the Mover thinks that according to Muhammadan law a change of religion means necessarily dissolution of marriage. If he is so sure of it, then I think the last clause, namely, on any ground which is recognised as valid for the dissolution of a marriage under Muslim law fully covers this case, and if he is so sure of his ground, I think it is not necessary for him to press this amendment. I, therefore, make these remarks with a view to explaining the other point of view to Bhai Parma Nand, and I hope he will reconsider his position.

Mr. Lalchand Navalrai: Sir, I still adhere to the opinion that the difference the Select Committee wanted to make out was this, that apostasy, on which according to Muhammadan law there are at present two schools of thought among the Muslims themselves, makes the marriage null and void *ipso facto* according to one school of thought. At least that has been admitted. The idea of the Select Committee was this. They wanted to do away with the right of dissolution, though there is a difference of opinion between the two schools of thought, by enacting clause 4 in which they say distinctly:

"The renunciation of Islam by a married Muslim woman or her conversion to a faith other than Islam shall not by itself operate to dissolve her marriage."

There are two schools of thought, and one school says renunciation of Islam will by itself dissolve the marriage. That is not being adhered to so far as that section of the Muhammadans is concerned, by enacting clause 4. Therefore, what I submit is this, that they put in this clause with a view to give power—not that renunciation by itself should dissolve the marriage, but that if there is apostasy then the woman shall have the right to go to court and ask for a decree on that ground. I only want at least the Honourable Members of that school of thought, which still sticks to this view that it dissolves the marriage *ipso facto*—should have this clause so that the girl may have at least the right to come to court and ask for a decree. I must say that this remedy which she will have will be also in doubt if you do not make this provision clear. When my Honourable friend, the Commerce Member, said that there are two schools of thought and we are leaving it to the Court to decide, then the controversy remains there. What is this Bill going to be passed for? To remove controversies and not to leave in doubt, and not to make one section of Muhammadans go to court and fight against another section of Muhammadans, and get judgment from the court. I find support for my view from the passage that I read out to the House, on the consideration stage, from the note of Mr. Asaf Ali:

"Under the present provision she will have to institute a suit for dissolution of marriage on the ground (a) that she has abjured Islam . . ."

That is the real view of the Select Committee, and it has not been denied. At any rate that view has to be provided for in the Bill. I do not agree with the view of the Treasury Benches that the controversy should be left to the Court. On the contrary the Honourable Members should help us in clarifying this point. We ask for nothing.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

We ask for what we think is the opinion of the Select Committee, and I submit that nothing will be lost by saying, yes, on account of the obstruction by the husband in the observance of her religious profession or practice and also on account of the abjuration of Islam she can go to Court and ask for a decree. Why should not that be clarified? I hope the House will take that point into consideration and vote for the amendment.

Sir Syed Raza Ali: I do not propose to make any lengthy speech whatsoever. Having regard to the amendment, the question that the House has to put to itself is whether renunciation of Islam is by itself sufficient to operate to dissolve the marriage. My reading of the Muslim law is that such renunciation does not operate to put an end to the marriage.

[Sir Syed Raza Ali.]

I quote only two or three cases to show that. All schools of Muhammadan thought agree that a marriage between a Muhammadan and a non-Muhammadan who is a unitarian (*Kitabia*) is perfectly valid and lawful under the Muhammadan law. For instance, a Muhammadan can marry a Christian or a Jewish lady. If the question of marriage between a Muhammadan and Brahmo Samaj or an Arya Samaj lady were to be referred to the divines of Islam I for one expect that their answer would be the same, namely, that such union would be lawful. If that be so, if a marriage between a Muhammadan and a Christian or a Jewess is lawful, I put to my Honourable friends, Bhai Parma Nand and Mr. Lalchand Navalrai, how can a marriage which is lawful be rendered unlawful by one of the parties to the marriage, namely, the wife, renouncing Islam and embracing Christianity or Judaism? Such marriage between the two parties, according to Muhammadan law, is valid,—I hope I am making my point clear. My point is that a union between a Muhammadan and a Christian or Jewish lady being lawful according to all schools of thought, it is absurd to expect that a marriage between a Muhammadan and a Muhammadan woman would be rendered invalid by the Muhammadan wife becoming a Christian or a Jew. My submission is that that is not the law. That is what I want to make clear. I do not think I have got anything more to say.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That after sub-clause (viii) of clause 2 of the Bill, the following new sub-clause be added:

'(ix) on the ground of renunciation of Islam or conversion to a faith other than Islam'."

The motion was negatived.

The Honourable Sir Muhammad Zafrullah Khan: Before you allow amendment No. 40 to be moved which relates to part (b) of the proviso, there is a consequential amendment to part (a). Ground (i) has disappeared and ground (iv) has now become ground (iii). I shall move it as a consequential amendment, if you will permit me. Sir, I move:

"That in sub-clause (a) of the proviso to clause 2, in place of the words and figures '(i) or ground (iv),' the figure '(iii)' shall be substituted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in sub-clause (a) of the proviso to clause 2, in place of the words and figures '(i) or ground (iv),' the figure '(iii)' shall be substituted.

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan: There is another consequential change. In the first line of sub-clause (b) of the proviso, we have "a decree passed on ground (ii) shall not take effect" It ought to read "passed on ground (i) shall not take effect". If you will allow me, I shall move it as a formal amendment. Sir, I move:

"That in line 1 of sub-clause (b) of the proviso to clause 2, in place of the figure '(ii)' figure '(i)' shall be substituted."

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in line 1 of sub-clause (b) of the proviso to clause 2, in place of the figure '(ii)' figure '(i)' shall be substituted."

The motion was adopted.

Maulvi Syed Murtuza Sahib Bahadur: Sir, the first part of my amendment No. 40 has now become unnecessary. I shall, therefore, move the second part: I move:

"That in part (b) of the proviso to clause 2 of the Bill, for the words 'six months' the words 'four months and ten days' be substituted."

So far as the six months is concerned, there is no religious authority behind it. As regards four months and ten days, there is religious authority. I hope Government will not oppose it.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in part (b) of the proviso to clause 2 of the Bill, for the words 'six months' the words 'four months and ten days' be substituted."

The Honourable Sir Muhammad Zafrullah Khan: I am afraid the Honourable the Mover of the amendment is under a misapprehension. I do not dispute that four months and ten days is the period of *iddat* in certain cases but in this sub-clause there is no question of *iddat*. Let me explain the position in a few words. What is provided here is that a decree passed on what has now become ground (i) (i.e., that the whereabouts of the husband have not been known for a period of four years) shall be kept in suspense. That is to say, that no final decree shall be pronounced unless opportunity has been given for the husband to appear and to satisfy the Court that he is prepared to perform his conjugal obligations. The divorce will become effective only if the husband has either failed to appear within six months or has appeared and failed to satisfy the court that he is prepared to perform his conjugal obligations. The *iddat* will begin from that date and it will then run according to the Muhammadan law. Otherwise the difficulty will be this. Suppose we provide here that the decree shall be suspended for four months and ten days, and then within the four months and ten days the husband appears, say, on the expiry of four months and he tells the court that he wants an opportunity to prove that he will perform his conjugal obligations and the court fixes a date for evidence and so on. If the period of four months and ten days is accepted as the period of *iddat*, then the lady is free after the expiry of that period to marry anybody she chooses and suppose she does marry and in the end the court holds that it is satisfied that the husband is willing to perform his marital obligations. The suit will then be dismissed. What will be the position? That illustration will show that the *iddat* can only begin after the decree has become absolute. It cannot run while the decree has been suspended during this period of six months. Therefore, this period does not require any religious authority; it could have been one year, or two months; it is only a precaution lest a decree should be obtained by practising a fraud upon the court. When the decree becomes absolute the lady must observe the period of *iddat*.

Qazi Muhammad Ahmad Kazmi: Sir, I have only one word to say about this, that the difficulty with which we are faced is this, that according to the Muslim law, if the husband returns during the course of the *iddat* the wife is to remain the wife of that man. So the difficulty will again arise when the decree becomes final. After six months' time when the decree becomes final, we shall not be fulfilling the obligations of Muhammadan law if we do not allow the woman to go back to her husband if he comes back after that period of six months.....

The Honourable Sir Muhammad Zafrullah Khan: She will still be at liberty to return to the husband and the same law will still apply.

Maulvi Syed Murtuza Sahib Bahadur: Sir, in view of the explanation of the Honourable the Commerce Member. I have great pleasure in withdrawing this amendment.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got to ask for the leave of the House to withdraw the amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. Abdul Qaiyum: Sir, I beg to move:

"That in part (b) of the proviso to clause 2 of the Bill, after the word 'appears' the words 'either in person or through an authorised agent' be inserted."

Sir, the husband may be sick or infirm or may be unavoidably absent. Therefore I think that this amendment is necessary. I hope the Honourable the Mover of the Bill will accept it.

The Honourable Sir Muhammad Zafrullah Khan: "Appearance" in a civil court means appearance in person or through an authorised agent.

Mr. Abdul Qaiyum: It might be literally translated.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in part (b) of the proviso to clause 2 of the Bill, after the word 'appears' the words 'either in person or through an authorised agent' be inserted."

The motion was adopted.

Maulvi Syed Murtuza Sahib Bahadur: Sir, I move:

"That in part (b) of the proviso to clause 2 of the Bill, for the words 'that he has made provision for the plaintiff's maintenance' the words 'that he is prepared to perform his conjugal duties' be substituted."

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in part (b) of the proviso to clause 2 of the Bill, for the words 'that he has made provision for the plaintiff's maintenance' the words 'that he is prepared to perform his conjugal duties' be substituted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That clause 2, as amended, stand part of the Bill"

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That clause 3 stand part of the Bill."

The Honourable Sir Muhammad Zafrullah Khan: Sir, before you go on to amendment No. 45, I wish to move a consequential amendment here. As you will see, clause 3 says:

"In a suit to which clause (ii) of section 2 applies . . ."

That clause has now become clause (i) and, therefore, if you will permit me, I will move a formal amendment. Sir, I move:

"That in clause 3, after the word 'clause', in the first line, in place of the figure '(ii)' the figure '(i)' be substituted."

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in clause 3, after the word 'clause', in the first line, in place of the figure '(ii)' the figure '(i)' be substituted."

The motion was adopted.

Maulvi Muhammad Abdul Ghani: Sir, in amendment No. 46, standing in my name, there is a mistake. One word has been left out. Before the word 'brother' the word 'and' should be substituted. It is purely verbal. I move:

"That to clause 3 of the Bill, the following proviso be added:
'Provided that grand-father, uncle, and brother above the age of eighteen years—if any—shall be cited as party even if he or they are not heirs'."

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That to clause 3 of the Bill, the following proviso be added:
'Provided that grand-father, uncle, and brother above the age of eighteen years—if any—shall be cited as party even if he or they are not heirs'."

The Honourable Sir Muhammad Zafrullah Khan: Sir, I would suggest to the Honourable the Mover that the clause as it stands makes ample provision that a decree shall not be obtained by fraud, as it were, without the knowledge of persons who ought to know of the proceedings. It makes it obligatory to cite all persons who would have been the heirs of the husband under Muslim law if he had died on the date of the filing of the plaint. Now the grandfather, if alive, is bound, under the Muslim law,

Qazi Muhammad Ahmad Kazmi: Not in the presence of the father . . .

The Honourable Sir Muhammad Zafrullah Khan: But if the father has been cited?

Qazi Muhammad Ahmad Kazmi: In the case of a minor son the brother of the absconding person as well as the uncle cannot be made parties and the wife can bring a suit making her own son who is a minor as a party

The Honourable Sir Muhammad Zafrullah Khan: But if she has a son from this husband who has been absconding for four years, would the husband still be a minor?

Qazi Muhammad Ahmad Kazmi: The boy will be a minor. If the person who is absconding has left a wife and son—the son being a minor son, and if the wife wants to bring a suit for the dissolution of her marriage, she can only make the minor son, who is in her custody, a defendant while she has got brothers and uncles who can properly defend the suit.

The Honourable Sir Muhammad Zafrullah Khan: But even then it ought to be "paternal grandfather" and "paternal uncle".

Qazi Muhammad Ahmad Kazmi: The person who has absconded has left only a minor son and a wife. The wife wants to bring a suit against the absconding person, who has left behind only a minor son. He is under the custody of the wife herself. So, the wife can very easily succeed in the suit because there is no person who can really contest the suit. The person who has absconded has left brothers and uncles also, but they are not heirs in the presence of the son. In such a case there is a danger that there may be a collusion between the wife and the son of the person who has absconded.

The Honourable Sir Muhammad Zafrullah Khan: Then, the word 'grandfather' may be omitted and in the case of the uncle, you should have the paternal uncle.

Maulvi Muhammad Abdul Ghani: I have no objection.

Mr. President (The Honourable Sir Abdur Rahim): I will now put the amendment as modified. The question is:

"That to clause 3 of the Bill, the following proviso be added:

'Provided that paternal uncle and brother of the husband, if any, shall be cited as party even if he or they are not heirs'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That clause 4 stand part of the Bill."

Mr. Lalchand Navalrai: Sir, I move:

"That clause 4 of the Bill be omitted."

Sir, it will be seen from the paper on which the amendments are printed that this amendment has been given notice of by as many as 8 Honourable Members. The names of the first two Honourable Members are Mr. K. Santhanam and Mr. Ananthasayanam Ayyangar. The other Honourable Members are the members of my Party and they hold the same views as I propose to place before the House. I cannot understand why these two gentlemen who gave notice of this amendment have not thought fit to move it.

An Honourable Member: Party discipline.

Mr. Lalchand Navalrai: It may be on account of party discipline or on account of holy or unholy alliance, or it may be on account of any other political reason, but with regard to this clause, I still maintain that

the consensus of opinion of the Muhammadan jurists is that a marriage becomes null and void on account of apostasy. If the decisions given by the Judges are taken into consideration, we also find that they have also stuck to that view. This House has also admitted and it has come from such a high person as Sir Muhammad Zafrullah Khan that there are at least two schools of thought on this point. Therefore, it will be wholly unfair and we will be doing an injustice to that class of school which still holds that view. We are making with one stroke a legislation ignoring that school altogether and then saying that the marriage will not be dissolved if there is renunciation of Islam or if there is conversion. I know that there is hot and cold wind blowing in this House on this point. Sometimes very orthodox views are taken and it has been said that because the father or the grand-father used to barter away their daughters beforehand, this practice should not be given up. At the same time, modern times are being taken into account. It has been said that in these modern times we must give every kind of liberty to women and if they are unhappy in their marriages, they may ask for dissolution. What I submit is that there is not one view taken on this subject in the House and I still maintain that there is a consensus of opinion of the Muhammadan jurists on this point which should not be set aside.

Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That clause 4 of the Bill be omitted."

Mr. Brojendra Narayan Chaudhury (Surma Valley *cum* Shillong: Non-Muhammadan): Sir, I rise to oppose this amendment. I look at this Bill not from the standpoint of a personal law of any community, whether Muslim or Hindu, but I look at it from the standpoint of equity and good conscience. I think the world has progressed sufficiently in the year 1939, and today it is possible to have such laws which may permit a man and a woman to live as husband and wife although they may be professing different religions. The effect of the deletion of clause 4 would be that the husband will have to part with his wife simply because one of them has changed the religion. I think the more reasonable course would be to give the option to both the parties to dissolve marriage in case of apostasy if they find that the married life is not bearable to them. I note that the Members of the Select Committee have taken that point into consideration. The House has already been informed by the Honourable the Commerce Member that there is sub-clause (e) of clause 2 which runs thus:

"obstructs her in the observance of her religious profession or practice".

I have grave doubts whether it will be possible or probable in ninety-nine cases out of hundred for a wife to go before a Court to seek divorce on the ground of obstruction by her husband in her religious practices. Although the Members of the Select Committee and the Honourable the Commerce Member have thought that they have sufficiently provided, I am doubtful whether this law will be operative. I rejoice that the Muslim community in India have responded to the spirit of the time and they are now prepared to harbour as wife a woman who has embraced Hinduism just as the Great Akbar did by marrying Hindu wives and allowing them

[Mr. Brojendra Narayan Chaudhury.]

to remain under the same roof worshipping idols. I hope Honourable Members who support this Bill will try to spread the same spirit of tolerance outside this House, so that the vexed question of music before mosque may not be a stumbling block in the way of communal harmony in India.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, my Honourable friend, Mr. Lalchand Navalrai, has referred to myself and my Honourable friend, Mr. Santhanam, and both of us are present and alive here. I never thought that my Honourable friend would be driven to the necessity of quoting both of us for supporting his amendment and quote outside some text written 1,300 years ago. I always thought that my Honourable friend was a practical and progressive element in this House. With regard to the provisions of this Bill, I am guided by the unanimity of opinion among the Muslim Members in this House who are the representatives of Muslim opinion outside. Therefore, if any Muslim Member here gets up and says that this is improper, I have no quarrel with him. Apart from the question of any particular creed or faith, I would also say that it is improper for a husband or wife to allow to get himself or herself divorced merely by change of religion, not out of innate conviction, but merely because she or he can find no other means of getting out of the wedlock. A Hindu woman, if she is converted into Islam, her marriage tie is not dissolved under the Hindu law. Likewise, if a Muslim woman is converted to Hinduism, her marriage tie should not be dissolved. If a man or woman, simply to get rid of the marriage tie, changes faith, I submit that all progressive opinion in the House ought not to countenance such a procedure. We have tabled another amendment, and I would request my Honourable friend to pay greater attention to it and support it. If a Hindu or any other person gets converted to Islam and then gets reconverted, then this provision ought not to stand in the way. To that extent we want to create exception in favour of a person who gets reconverted to her original faith. For various domestic reasons, a woman might like to get herself converted and thus get rid of the marriage tie. We have advisedly given up this amendment about the deletion of clause 4, and we will press the other amendment.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That clause 4 of the Bill be omitted."

The motion was negatived.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, before moving my amendment, I should like your permission and the permission of the House to make a slight alteration. I wish to put in the word 'renunciation or' after the word 'such' in my amendment.

Mr. President (The Honourable Sir Abdur Rahim): All right.

Mr. K. Santhanam: Sir, I beg to move:

"That to clause 4 of the Bill, the following further proviso be added:

'Provided further that after such renunciation or conversion, the woman shall be entitled to obtain a decree for the dissolution of her marriage on any of the grounds mentioned in section 2'."

Sir, in the preamble to the Bill, it is stated:

"Whereas it is expedient to consolidate and clarify the provisions of Muslim law relating to suits for dissolution of marriages"

I think it is very doubtful if after conversion she would be able to get any divorce under clause 2. Though she might come under the words 'married under Muslim law', it is very doubtful whether this section will apply to her. Therefore, as a measure of abundant caution, we have tabled this proviso, and I hope it will be accepted unanimously by the House. I want to tell my Honourable friend, Mr. Lalchand Navalrai, that if this proviso is accepted, the woman's position will be much better than if the clause was deleted, because she would be entitled to claim divorce under any of the grounds mentioned in clause 2. The Honourable Member would have noticed that the grounds mentioned in clause 2 are not so very stringent. If any obstruction to religious practices is offered, then that is also one of the grounds for asking for divorce. Therefore, all the points which we wanted to be met by the deletion of clause 4 are even better met by this proviso, and so I hope this proviso will meet with the unanimous acceptance of the House.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That to clause 4 of the Bill, the following further proviso be added:

'Provided further that after such renunciation or conversion, the woman shall be entitled to obtain a decree for the dissolution of her marriage on any of the grounds mentioned in section 2.'"

The Honourable Sir Muhammad Zafrullah Khan: Sir, I have no objection to the proviso. I think it is unnecessary, but if it is regarded as necessary owing to some fear that the Act may be misinterpreted I am willing that it may be inserted. But may I suggest to the Honourable the Mover that his amendment would fit in better between the main clause 4 and the present proviso instead of at the end of the clause. It should come immediately after the main clause. The clause will then read:

"The renunciation of Islam by a married Muslim woman or her conversion to a faith other than Islam shall not by itself operate to dissolve her marriage:

'Provided that after such renunciation or conversion'"

Mr. K. Santhanam: I accept the suggestion. But in that case, the word "further" should be omitted here, and it should be inserted in the second proviso.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in clause 4 of the Bill, the following proviso be inserted at the end of the third line:

'Provided that after such renunciation or conversion the woman shall be entitled to obtain a decree for the dissolution of her marriage on any of the grounds mentioned in section 2.'"

The motion was adopted.

Mr. K. Santhanam: Sir, I beg to move:

"That in the fourth line of clause 4, after the word 'Provided', the word 'further' be inserted."

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That in the fourth line of clause 4, after the word 'Provided', the word 'further' be inserted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

The Assembly then adjourned till Eleven of the Clock on Friday, the 10th February, 1939.

LEGISLATIVE ASSEMBLY.

Friday, 10th February, 1939.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBER SWORN.

Mr. Narayan Raghavan Pillai, C.B.E., M.L.A. (Government of India : Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

REPRESENTATIONS FOR THE TRANSFER OF THE ADMINISTRATION OF TRIBAL TERRITORIES TO THE PROVINCIAL GOVERNMENT.

274. *Mr. T. S. Avinashilingam Chettiar: Will the Secretary for External Affairs state:

- (a) whether Government have received any representations from the Provincial Government asking for the transfer of the administration of the tribal territories in the hands of the Provincial Government;
- (b) if so, whether they have considered the matter; and
- (c) to what conclusion they have come?

Sir Aubrey Metcalfe: (a) No.

(b) and (c). Do not arise.

Mr. T. S. Avinashilingam Chettiar: Have they received any representations from the North-West Frontier Government?

Sir Aubrey Metcalfe: I cannot say more than "No" which I have said already.

Mr. T. S. Avinashilingam Chettiar: May I take it, therefore, that no representations have been received from any Government including the North-West Frontier Government?

Sir Aubrey Metcalfe: I have said that no representations have been received.

NEGOTIATIONS FOR A TRADE AGREEMENT WITH THE UNITED STATES OF AMERICA.

275. *Mr. T. S. Avinashilingam Chettiar: Will the Secretary for External Affairs state:

- (a) at what stage are Government's contemplated trade negotiations with the United States of America;

- (b) whether formal negotiations have been started; and
- (c) if so, what are the subjects of negotiation?

Sir Aubrey Metcalfe: I propose to reply to parts (a), (b) and (c) of this question together. Negotiations have commenced with a view to concluding a general treaty of commerce and navigation between India and the United States of America. The Government of India are at present awaiting the draft of such a treaty which the Government of the United States of America have agreed to furnish for the consideration of the Government of India. The important subject which will be dealt with in the treaty is to secure greater facilities than at present for Indians wishing to enter the United States for purposes of trade.

Mr. S. Satyamurti: Are these negotiations being conducted directly between this Government and the Government of the U. S. A.?

Sir Aubrey Metcalfe: They are being conducted through the ordinary diplomatic channel.

Mr. S. Satyamurti: I want to know whether they are being conducted through the Foreign Department of His Majesty's Government, or straight between the Government of India and the department concerned in the U. S. A.

Sir Aubrey Metcalfe: No; they are being conducted through His Majesty's Government.

EXPENDITURE INCURRED ABROAD FROM INDIAN REVENUES.

276. *Mr. T. S. Avinashilingam Chettiar: Will the Secretary for External Affairs state:

- (a) at what stage are Government's negotiations with the British Government regarding the items of expenditure incurred from Indian revenues abroad, *vide* starred question No. 1279, dated the 16th November, 1938;
- (b) whether any agreement has been reached on any of the matters; and
- (c) if so, to what effect?

Sir Aubrey Metcalfe: (a) and (b). The allocation of diplomatic and consular expenditure in Iran and the Persian Gulf is still under discussion. This is the only matter on which negotiations are in progress.

- (c) Does not arise.

Mr. T. S. Avinashilingam Chettiar: Are the expenses in connection with Kabul, Nepal, Kashgar, Jeddah, Addis Ababa and Baghdad also under negotiation?

Sir Aubrey Metcalfe: No, they are not.

Mr. T. S. Avinashilingam Chettiar: I understand they have come to a new agreement with the Sultan of Muscat. May I know whether the amounts that were being paid by the Government of India before have been reduced or whether the responsibility of paying these amounts has been transferred to His Majesty's Government now?

Sir Aubrey Metcalfe: No, no change has yet been made. I have said that negotiations are in progress and until those negotiations have been completed no change will obviously take place.

Mr. T. S. Avinashilingam Chettiar: If I understood the Honourable Member correctly it means that the negotiations are only with regard to the expenditure in the Persian Gulf and there are no negotiations about other matters. Am I correct?

Sir Aubrey Metcalfe: Yes, that is correct.

Mr. T. S. Avinashilingam Chettiar: May I know whether they propose to take up the matter of negotiations with regard to other things after this is finished?

Sir Aubrey Metcalfe: I cannot say. It is better to get one matter finished before you take up others.

Mr. S. Satyamurti: In view of the fact that the question of the incidence of Persian Gulf expenditure has been hanging fire for many years now, may I know whether the Honourable Member can throw any light on the stage at which the negotiations stand at present and when do Government expect to get a settlement of this question?

Sir Aubrey Metcalfe: The Government of India have placed certain proposals before His Majesty's Government and those proposals are still under the consideration of His Majesty's Government. That is the stage at which the negotiations now stand.

Mr. S. Satyamurti: When did the Government of India address His Majesty's Government last on this matter, approximately?

Sir Aubrey Metcalfe: I think about a year ago.

Mr. S. Satyamurti: And they have not heard from His Majesty's Government for a whole year?

Sir Aubrey Metcalfe: No final answer has been received.

POSITION OF THE NORTH-WEST FRONTIER OPERATIONS.

277. *Mr. Lalchand Navalrai: (a) Will the Secretary for External Affairs be pleased to state the latest position of the North-West Frontier Province operations and whether any compromise has been arrived at?

(b) Is it a fact that lately a dacoity occurred in Dera Ismail Khan? If so, have dacoits been arrested, and did the dacoits come from the tribal area, or beyond the borders?

(c) What loss of life and property occurred in this dacoity?

Sir Aubrey Metcalfe: (a) The Honourable Member is referred to the press communique, dated the 26th January, 1939, of which I have a copy here and will lay it on the table.

(b) and (c). Several dacoities have recently occurred in the Dera Ismail Khan district and it is not known to which one the Honourable Member refers.

GOVERNMENT OF INDIA.

DEFENCE DEPARTMENT.

New Delhi, the 26th January, 1939.

PRESS COMMUNIQUE.

A review of main events in Waziristan 1st November, 1938, to 15th January, 1939.

The last review of events in Waziristan dealt with the months August, September and October, 1938. By the end of that period the annual migration of the tribes to their winter locations had taken place, but a few small gangs of tribal bad characters were still active in committing offences of a guerilla nature. The failure of the Tori Khel Wazirs to control their hostile tribesmen had made it necessary to bring pressure on certain sections of the tribe by denying them the use of their winter grazing grounds.

Events in November, 1938.

The month of November passed comparatively quietly owing in part to the advent of winter and the fast of Ramzan. Such hostile activity as took place was confined to sniping, attempts to hold up traffic, and similar guerilla activities by a few gangs operating under the direction of leaders who were in close touch with the Faqir of Ipi. Pressure was maintained on the hostile sections of the Tori Khel Wazirs and in this connection tribal approaches were made to the hostile leaders who indicated, however, that they would not make submission unless authorised to do so by the Wazir.

During the month one Aqib and certain other hostile Tori Khel engaged in kidnapping offences made their headquarters in the neighbourhood of the Karesta Algad, not far from the administrative border. This area was, therefore, proscribed for air action, after due warning had been given.

Raiding into the settled districts bordering on Waziristan decreased. On the 18th November, two villages south of Kalabagh were raided by a gang under one Sher Ali Marwat; a strong force of Frontier Constabulary at once moved out to cut off the gang, but the latter succeeded in evading observation in this hilly tract and made their escape. Three individuals were kidnapped in the course of six other raids and one lost his life whilst resisting. Several kidnapped persons were released during the month, including two children who were held by a certain Tori Khel Wazir, Gagu by name, near the Durand Line.

Events in December, 1938.

There was a further diminution of hostile activity in December, 1938, except for a temporary deterioration in South Waziristan where a few ill-disposed persons were undertaking hostile activities in the territory of the Manzai Mahsuds, to the west of Kotkai. In order to strengthen the hands of the tribal *maliks* this area was visited by the Razmak brigade supported by the Wana brigade. During the march of the Razmak brigade to Kotkai there was some sniping and minor opposition. The Shabi Khel Mahsuds in whose limits this occurred have since been punished by fines. The movement through Manzai Mahsud territory was unopposed and all the hostile agitators were surrendered or settlements made on their behalf. Further south, however, the Nazar Khel and Abdur Rahman Khel Mahsuds permitted their territory to be used by the notorious Sher Ali and his gang and failed to evict them when called upon to do so; a portion of their territory was therefore proscribed for air action, after due warning, until security had been given.

During this period the Faqir of Ipi had been finding harbourage in the territory of the Madda Khel Wazirs, in contravention of an undertaking given by that tribe in June, 1938. Some weeks were allowed to elapse in order to judge the effect of the announcement of terms that had been published: no response was made by the Faqir, however, and pressure was therefore brought on the villages and sections harbouring him.

During December the release of several kidnapped persons was effected.

Few offences occurred in the settled districts until the end of the month when one villager was killed and three were wounded in a raid on the 27th December, and on the 31st December one individual was abducted from a private motor-lorry in the Bain Pass. One person was rescued by the village pursuit party from a gang that was attempting to kidnap him.

Events in January, 1939.

The Tori Khel Wazirs, having failed to effect a settlement in respect of their hostile members, increased pressure has been brought on the tribe, involving forfeiture of allowances and suspension of *khassadars* in the case of the hostile sub-sections. In addition the 1st (Abbottabad) Infantry Brigade has entered the Lower Khaisora valley where it has so far met with no serious opposition although a few ill-disposed tribesmen, Wazirs and Mahsuds, have been responsible for some sniping of the troops.

After repeated warnings the Ahmadzai Wazirs inhabiting the salient of tribal territory to the north and north-east of Bannu failed to evict from their limits Mehr Dil and others who have taken part in raids, or to give security for the good conduct of persons using their territory. In consequence a blockade of this salient by troops and police has been instituted on the borders of Bannu and Kohat districts and is still in force.

There has been some increase in guerilla activity in Waziristan, and renewed raiding especially into Dera Ismail Khan district. On the 3rd January, the village of Kathgarh was raided by a gang some sixty strong, two villagers being killed and three kidnapped, including one woman. The gang was engaged by police, who suffered four casualties, and a cordon was established by Frontier Constabulary and troops with co-operation by the Royal Air Force: the raiders succeeded in reaching the hilly and intricate country of the Marwat range, however, and after several days in the hills made their way to tribal territory under cover of darkness but not without loss, at least three of the gang being wounded. Two individuals were kidnapped from Shinki village on the 14th January, but were re-captured later by a cavalry patrol.

In spite of some general improvement in the tribal situation conditions remain unsettled and the results of the increased pressure now being exerted on the Tori Khel and the Ahmadzai Wazirs of the Bannu border must be awaited.

Mr. Lalchand Navalrai: May I know if in connection with any dacoity any persons have been arrested and tried?

Sir Aubrey Metcalfe: I could not say that, because that is largely a matter of administration of the Provincial Government.

Mr. Lalchand Navalrai: May I know, therefore, what steps have been taken for the security of such a big and important place as Dera Ismail Khan?

Sir Aubrey Metcalfe: That, again, is a matter mainly for the Provincial Government.

Mr. Lalchand Navalrai: But do the Government of India know what steps have been taken to see that there is security and there is no recurrence of these dacoities?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter to be pursued with the Provincial Government.

Dr. Sir Ziauddin Ahmad: Have Government got the powers to do it?

Sir Aubrey Metcalfe: Yes.

Mr. S Satyamurti: With reference to clause (a), may I know whether any talks or negotiations are in progress for any compromise with any or all the tribes, now at war with the Government of India?

Sir Aubrey Metcalfe: No, not at the moment.

CONDITIONS FOR OPENING OF EXPERIMENTAL POST OFFICES.

278. *Mr. Brojendra Narayan Chaudhury: Will the Honourable Member for Communications please state the conditions or tests to be fulfilled for opening experimental post offices, and the conditions or tests for making them permanent?

The Honourable Sir Thomas Stewart: The attention of the Honourable Member is invited to the replies given to parts (b) and (c) of Mr. T. S. Avinashilingam Chettiar's starred question No. 723 in this House on the 9th March, 1938.

EXTENSION OF POST OFFICES IN RURAL AREAS.

279. *Mr. Brojendra Narayan Chaudhury: Will the Honourable Member for Communications please state the amount budgeted for the current year for extension of post offices in rural areas, the amount spent up to date, and the amount spent last year on this item, as also the number of post offices added last year and in the current year in India and in the districts of Sylhet and Cachar?

The Honourable Sir Thomas Stewart: Sir, I lay on the table a statement giving the information required by the Honourable Member.

Statement.

1. Amount provided in the current year's budget for the extension of postal facilities in rural areas	Rs. 60,000
2. Amount to be spent in 1938-39	Rs. 53,000
3. Amount spent in 1937-38 on this item	Rs. 3,51,000
4. Net number of new post offices added in 1937-38 in rural areas	1,165
5. Net number of new post offices added in 1937-38 in the districts of Sylhet and Cachar	3
6. Net number of new post offices added during the current financial year, i.e., from 1st April, 1938, to 1st January, 1939, in rural areas	13
7. Number of post offices added during the current financial year, i.e., from 1st April, 1938, to 1st January, 1939, in the districts of Sylhet and Cachar	Nil.

Mr. T. S. Avinashilingam Chettiar: May I know whether the whole amount has been spent?

The Honourable Sir Thomas Stewart: That is contained in the statement laid on the table

Mr. T. S. Avinashilingam Chettiar: My question was whether the whole amount budgeted for the particular matter has been spent or not. That can be answered either in the affirmative or in the negative.

The Honourable Sir Thomas Stewart: I am unable to inform the Honourable Member what amount of money has been spent in a financial year which is not yet finished.

BENGALI DIARY ALMANACS GIVING POSTAL INFORMATION.

280. *Mr. Brojendra Narayan Chaudhury: Will the Honourable Member for Communications please state:

- (a) whether his attention has been drawn to the fact that the annual Bengali diary almanacs, which command the biggest sale over any other publication in the Province, give the names of all the Post Offices in India with other postal information, covering 80 to 40 pages, and whether such publication is at the instance of the Department and for payment or free; if paid, what was the amount paid last year;
- (b) the size of the Department's pocket guide in Bengali and the sale price and last year's profit out of sale; and
- (c) whether he intends to examine the utility of publishing all the information given in the official guide through the Bengali almanacs (*Nutan Panjika*) instead?

The Honourable Sir Thomas Stewart: (a) I have no information. Government have not authorised any such publication, nor do they pay for it.

(b) The Post and Telegraph Pocket Guide in Bengali, 1938 Edition, was a document of 52 pages. The sale price is anna one per copy. There was no profit in 1937-38 from its sale.

(c) No.

Mr. Brojendra Narayan Chaudhury: What is the cost of preparing that pocket guide?

The Honourable Sir Thomas Stewart: I cannot say without notice.

Mr. Brojendra Narayan Chaudhury: Will the Honourable Member consider whether it is not more profitable to the department to issue that information through the Bengali almanac than through a separate guide? Will not that make a saving and also effect greater circulation?

The Honourable Sir Thomas Stewart: We conceive, Sir, that our own publication has its own value, and though it might save us a certain amount of money by not printing up our own publication, we still believe that it has its utility.

TRADE AGREEMENT WITH THE UNITED STATES OF AMERICA.

281. *Mr. Akhil Chandra Datta: (a) Will the Foreign Secretary please state whether Indian merchants in the United States of America labour under great difficulties and disadvantages?

(b) Do Government propose to have a trade treaty with America to overcome those difficulties?

(c) Have Government received any representation from the Indian Chamber of Commerce in that behalf?

Sir Aubrey Metcalfe: (a) The United States of America Immigration Act of 1924 places certain restrictions on the entry of Indians into that country which hamper the activities of Indian businessmen.

(b) The Government of India hope that a treaty of commerce and navigation may be negotiated with the Government of the United States of America which will improve the situation.

(c) Yes.

Mr. Lalchand Navalrai: With reference to clause (a), are there any restrictions of the same nature against Americans coming into British India or Britain?

Sir Aubrey Metcalfe: No.

Mr. Lalchand Navalrai: Why not?

Sir Aubrey Metcalfe: Because there is no legislation.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot discuss that now.

IRREGULAR DELIVERIES OF AIR MAIL.

282. *Mr. Akhil Chandra Datta: Will the Honourable Member for Communications please state:

- (a) whether serious inconvenience was caused to business interests in Calcutta in consequence of the non-arrival of Indian mails by air towards the end of November, 1938, and subsequent irregular deliveries;
- (b) if so, what the circumstances are which resulted in such inconvenience;
- (c) whether Government are prepared to consider the advisability of taking steps to ensure advance arrangements, such as to ensure the maintenance of a regular service to India;
- (d) whether Government are prepared to consider the desirability of cabling or wirelessing advance information with regard to non-arrival, or delay in the arrival, of the air mails; and
- (e) whether Government are prepared to consider the advisability of giving full and authoritative information to the public with regard to:
 - (i) the date of the mail from the United Kingdom;
 - (ii) the extent of the delay;
 - (iii) the cause of it; and

- (iv) probable day of the arrival of the particular mail plane at various stopping places in India whenever delays take place at any point in the service and for whatever reason?

The Honourable Sir Thomas Stewart: (a) Complaints to that effect have been received.

(b) I understand that the main reason for the irregularity was the non-delivery of the fleet of Ensign land-planes, in consequence of which the carrying capacity available was seriously reduced and the smaller aircraft which Imperial Airways chartered could not cope with the heavy loads of Christmas and New Year mails. The difficulty was accentuated by the exceptionally severe winter conditions which prevailed in Europe in the latter part of December, 1938, and the early part of January, 1939—conditions which disorganised all transport and made flying at times impossible.

(c), (d) and (e). Government have considered and are well aware of the desirability of taking action on the lines recommended.

Mr. S. Satyamurti: With reference to the answer to clauses (a) and (b), may I know whether preference was given to air mails to Australia and New Zealand, as contrasted with air mails to India and if so, why?

The Honourable Sir Thomas Stewart: I gather that the Australian mails were carried before the Indian mails, the general idea being that long distance traffic should have preference in order that the Christmas mail should arrive approximately about Xmas. That I think was the general idea behind this arrangement.

Mr. S. Satyamurti: May I know whether Government have inquired into the matter carefully and satisfied themselves that no discrimination as against Christmas mails to India was practised by the Imperial Airways?

The Honourable Sir Thomas Stewart: I do not think there was any discrimination at all.

Mr. S. Satyamurti: Was the delay common to all the air mails to the Far East, or was there any peculiar or longer delay in respect of the Indian air mails as has been alleged?

The Honourable Sir Thomas Stewart: I have no information as regards mails to destinations other than India; but nothing in the evidence that has come to me has suggested that there was any discrimination against India.

CLOSING OF THE AGRA-BAH RAILWAY.

283. *Mr. Badri Dutt Pande: (a) Will the Honourable Member for Railways be pleased to state what decision has been arrived at regarding the closing down of the Agra-Bah Line?

(b) Has it been closed, or has the proposal been postponed at the intervention of the United Provinces Government?

The Honourable Sir Thomas Stewart: (a) and (b). It has been decided to close the Bah-Hatshamsabad section with effect from the 1st January

this year and keep open the remaining section from Agra to Hatshamsabad until the end of March as an experimental measure.

Mr. Badri Dutt Pande: Am I to understand that the line beyond Hatshamsabad to Bah will be dismantled?

The Honourable Sir Thomas Stewart: That is a reasonable deduction from my answer.

Mr. Badri Dutt Pande: What will happen to the big bridge? Is it going to be sold to the United Provinces Government?

The Honourable Sir Thomas Stewart: We have no offer for the purchase of the line from the United Provinces Government, but if such an offer were made, we should certainly consider it.

Mr. Badri Dutt Pande: I was speaking about the bridge over the river on that line.

The Honourable Sir Thomas Stewart: I should require notice of that. I cannot enter into the details of the disassembling process here.

Mr. K. Santhanam: May I know if the United Provinces Government approved of the closing down of this line, or whether they were consulted at all?

The Honourable Sir Thomas Stewart: By influence, yes.

Mr. K. Santhanam: May I know whether it is not the practice of the Railway Board to directly consult the Provincial Government concerned when a line is closed?

The Honourable Sir Thomas Stewart: The Railway Board have consulted the Local Government: they have also consulted local residents about the matter.

Mr. K. Santhanam: May I know whether this matter was placed before the Standing Committee for Railways so that the financial implications of the closing down might be scrutinised on behalf of the Assembly?

The Honourable Sir Thomas Stewart: I should require notice of that. I must look up the agenda of the meeting of the Standing Committee.

Dr. Sir Ziauddin Ahmad: Did the Central Government approach the Provincial Government whether they are willing to buy the track and the bridges so that they may make a road along that line?

The Honourable Sir Thomas Stewart: I could not say whether they made an offer to the Local Government, but I am sure that they asked the Local Government whether they were prepared to guarantee the loss on this line.

CONSTRUCTION OF THE KASHIPUR-KALAGARH RAILWAY.

284. *Mr. Badri Dutt Pande: (a) Will the Honourable Member for Railways be pleased to state if the United Provinces Government have written to the Railway Department that they will hold themselves responsible for any loss that would accrue in the working of the proposed Kashipur-Kalagarh Railway?

(b) If so, do the authorities of the Rohilkund and Kumaon Railway propose to take in hand this branch line at once?

(c) In how many years will this line be completed?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) The project is still under the consideration of Government.

(c) If taken up, the work will take about twelve months to complete.

AHMADZAI WAZIRS ASKED TO PAY MONEY AND RIFLES.

285. *Sardar Mangal Singh: Will the Foreign Secretary please state :

(a) whether it is a fact that Ahmadzai Wazirs were ordered to pay Rs. 2,000 in cash and 30 rifles within a specified time;

(b) whether this order was carried out;

(c) if the answer to part (b) be in the negative, what other steps have been taken to enforce the order; and

(d) whether the steps taken have proved sufficiently effective?

Sir Aubrey Metcalfe: (a) Yes.

(b) No.

(c) A blockade against the tribe has been enforced.

(d) It is as yet too early to judge.

Sardar Mangal Singh: May I know how long the blockade is likely to continue?

Sir Aubrey Metcalfe: I am afraid I cannot give that information because I do not possess it.

Maulvi Abdur Rasheed Chaudhury: May I know the reason why the Ahmadzai Wazirs were ordered to pay Rs. 2,000 in cash?

Sir Aubrey Metcalfe: There were a number of offences committed by the tribe and they were given every opportunity of purging those offences before the blockade was instituted

Mr. K. Santhanam: May I know if the rifles mentioned are rifles manufactured in their own places or brought from abroad?

Sir Aubrey Metcalfe: The terms of the blockade merely say rifles: I cannot tell you exactly what rifles they are.

Mr. K. Santhanam: Is the Honourable Member aware that they have got a cottage industry of making rifles?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not go into that now.

ACCIDENTS ON THE EAST INDIAN RAILWAY.

286. *Sardar Mangal Singh: Will the Honourable the Railway Member please state :

- (a) whether the official enquiries into the causes of the recent train disaster at Chickaki (East Indian Railway) are complete;
- (b) whether there is any foundation for the belief that the railway disaster was due to sabotage;
- (c) how many similar accidents have happened during the last year on the East Indian Railway, the causes of which were sabotage;
- (d) whether the railway authorities suspect any organised conspiracy which is responsible for these accidents; and
- (e) the number of casualties, both wounded and dead, separately, and whether any compensation has been given to the bereaved families?

The Honourable Sir Thomas Stewart: (a) and (b). Yes.

(c) Two.

(d) This appears to ask for an expression of opinion.

(e) In answer to the first part, I would refer the Honourable Member to the reply given to Mr. Badri Dutt Pandey's starred question No. 31 of the 3rd instant. The answer to the second part is in the negative.

Mr. S. Satyamurti: May I know why no compensation has been paid to the bereaved families?

The Honourable Sir Thomas Stewart: Because the Government of India accept no responsibility for the cause of the accident.

Mr. S. Satyamurti: Have they come to this decision irrevocably, irrespective of whatever the result may be of the inquiry by the tribunal, which my Honourable friend has promised to appoint in the debate on the adjournment motion some time ago in this House?

The Honourable Sir Thomas Stewart: Should there be, as a result of the tribunal's inquiry, a finding that the Government of India are responsible for this accident, then I think they will act in accordance with precedent.

Maulvi Abdur Rasheed Chaudhury: With regard to clause (a), may I ask whether the enquiry committee will be appointed before the next accident takes place?

The Honourable Sir Thomas Stewart: If the Honourable Member will inform me when the next accident will take place, I will endeavour to answer his question.

TRAIN DISASTER NEAR HAZARIBAGH ON THE EAST INDIAN RAILWAY.

287. *Mr. S. Satyamurti: Will the Honourable Member for Railways be pleased to state :

- (a) the latest facts about the causes of the accident on the East Indian Railway near Hazaribagh on the 12th January, 1939, the casualties and the loss of property;

- (b) whether Government have appointed, or propose to appoint, an independent officer or committee to inquire into the causes of the accident and, if not, why not; and
- (c) whether Government are aware that this is the fifth major accident on this Railway during the last eighteen months?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the reply given to parts (a) and (b) of Mr. Ram Narayan Singh's starred question No. 33B, of the 3rd February, 1939.

(b) I would refer the Honourable Member to the reply given to part (a) of Mr. K. Santhanam's starred question No. 173 of the 7th February, 1939.

(c) I would refer the Honourable Member to the reply given to part (a) of Maulvi Abdur Rasheed Chaudhury's starred question No. 180 of the 7th February, 1939.

Mr. S. Satyamurti: With reference to the answer to clause (a) of the question, may I know, Sir, whether the Government have satisfied themselves that they have complete and accurate information about the casualties and the loss of property and all relevant inquiries have been conducted and concluded?

The Honourable Sir Thomas Stewart: Yes, Sir, I think I can assure the Honourable Member that the Government of India are satisfied that all possible information has been obtained regarding the casualties and the loss of property.

Mr. S. Satyamurti: With reference to the answer to clause (b) of the question, may I know, Sir, whether the Government are in a position to say when this independent officer or committee will be appointed?

The Honourable Sir Thomas Stewart: I should be reluctant to say any particular date, but I trust it will be in the very near future.

CHANGES IN REGARD TO CONCESSIONS TO PRESS MESSAGES.

288. *Mr. S. Satyamurti: Will the Honourable the Communications Member be pleased to state:

- (a) whether Government are considering the question of reducing the loss attributed to the concessions in respect of Press messages;
- (b) what is the extent of the loss at present, what are the proposals for reducing the loss and what is the saving anticipated thereby; and
- (c) whether Government propose to consider all relevant public interests before coming to a decision in the matter?

The Honourable Sir Thomas Stewart: (a) and (c). Yes.

(b) The loss on account of concessions given to press messages is estimated to have been about 8½ lakhs during 1937-38. As regards the latter part of the question, the matter is under consideration and I am unable to anticipate the outcome of that consideration.

Mr. S. Satyamurti: May I know, Sir, whether Government hope to finish their conclusions on this matter, in time for incorporating their proposals in the budget for next year?

The Honourable Sir Thomas Stewart: Let me repeat the last sentence from my answer—I am unable to anticipate the outcome of that consideration.

Mr. S. Satyamurti: I am not asking about the actual results, but I am only asking with regard to point of time, whether Government hope to be in a position to incorporate their proposals such as they may have in the budget or the Finance Bill for next year.

The Honourable Sir Thomas Stewart: I am afraid I am unable to anticipate the outcome of that consideration.

Mr. Manu Subedar: May I know, Sir, how the Department differentiates between operating expenses on ordinary telegrams and the operating expenses in connection with press telegrams? On what basis is the loss estimated?

The Honourable Sir Thomas Stewart: I think if the Honourable Member will put down a question on the notice paper to that effect, I might be able to lay on the table statement showing how we make our calculations.

Mr. K. Santhanam: May I know, Sir, whether Government have made any calculation of the loss which they are likely to incur by the reduction in publicity for the Government departments by increasing the cost of press messages?

The Honourable Sir Thomas Stewart: No, Sir, I don't think any such calculation has been made.

Mr. K. Santhanam: May I know, Sir, if that aspect also will be taken into account in any plan to increase the rates of press telegrams?

The Honourable Sir Thomas Stewart: The rather incalculable value of publicity will always be taken into account if any revision of rates is under contemplation.

AMENITIES TO THIRD CLASS PASSENGERS ON RAILWAYS.

289. *Mr. S. Satyamurti: Will the Honourable Member for Railways be pleased to state:

- (a) what the extra expenditure proposed to be incurred by the Railway Board in the acceleration of passenger traffic and advertising campaigns to attract more third class passengers is estimated to be;
- (b) what the Railway Board expects by way of increased expenditure; and

- (c) whether, apart from advertisements, any other steps are going to be taken by improving amenities to third class passengers with a view to attracting more third class traffic, and, if so, what they are?

The Honourable Sir Thomas Stewart: (a) and (b). It would be impossible for Railways to estimate with any degree of accuracy the extra expenditure involved in the acceleration of passenger trains. As regards the expenditure on advertising campaigns individual Railways make their own allotment in accordance with local conditions and requirements.

(c) The provision of amenities for third class passengers is constantly engaging the attention of Railway Administrations, and I would refer the Honourable Member to the details given in Chapter VIII of the Railway Board's Annual Report on Indian Railways for 1937-38, Volume I, a copy of which is in the Library of this House. Railways will continue to provide amenities on the same lines in future.

Mr. S. Satyamurti: With reference to the answer to clauses (a) and (b) of the question, may I know, Sir, whether the Railway Board have made on behalf of all the Railways in India, to which they are responsible, any calculation as to the increased expenditure likely to be incurred on first, the acceleration of the passenger traffic and advertising campaigns, and secondly, the extra returns likely to be received by the Railways, and come to the conclusion that all this expenditure is worth while?

The Honourable Sir Thomas Stewart: I have already said that it is impossible to make any estimate with any reasonable degree of accuracy.

Mr. S. Satyamurti: May I know, Sir, if the Railway Board are starting on this campaign of expenditure, without calculating the cost and the return likely to be received by them?

The Honourable Sir Thomas Stewart: I think the Honourable Member must understand that in following up a recommendation which *prima facie* is worth while following up, one embarks on an experimental measure.

Mr. S. Satyamurti: May I know, Sir, with reference to clause (c) of the question, whether apart from the provision of the new type of third class carriages which has been put on on some Railways, there are any other major amenities which the Railway Board are contemplating or have any knowledge of, for improving the amenities of third class passengers?

The Honourable Sir Thomas Stewart: I should be extraordinarily obliged to the Honourable Member if he would put forward suggestions as to the direction in which we should take action in order to improve the amenities.

Mr. N. V. Gadgil: May I know, Sir, whether it is not the experience of Railway Administrations that cheapening of rates usually results in increasing the traffic?

The Honourable Sir Thomas Stewart: I would not admit that that is a universal rule.

Mr. K. Santhanam: May I know, Sir, whether any systematic study of the food arrangements in respect of third class passengers has been undertaken by the Railway Board?

The Honourable Sir Thomas Stewart: Yes, I think that certain investigations have been carried out in that direction.

Mr. K. Santhanam: May I know if the Honourable Member will place the results of those investigations on the table of the House?

The Honourable Sir Thomas Stewart: I have no doubt that the results of the investigations will be available when the investigations are complete.

Mr. K. Santhanam: May I know, Sir, if the Honourable Member will circulate a memorandum on these investigations when they are completed to Honourable Members?

(No reply.)

Dr. Sir Ziauddin Ahmad: Is it not a fact, Sir, in spite of the Resolutions passed in this House and the repeated demands of the Central Advisory Committee, the Railway Board are not at all familiar with the food arrangements of third class passengers? They know nothing about it.

Mr. President (The Honourable Sir Abdur Rahim): Next question, please.

CAPITAL EXPENDITURE ON RAILWAYS.

290. *Mr. S. Satyamurti: Will the Honourable Member for Railways be pleased to state as regards capital expenditure on Railways:

- (a) the reason why the Railway Board have come to the conclusion that, with regard to capital expenditure on new schemes, they cannot keep in mind any definite percentage of return as a sound criterion for sanction;
- (b) what the functions, in respect of the sanction of such schemes, of the Chief Accounts Officer as Financial Adviser to the General Manager are; and
- (c) what are the principles which the Railway Board have accepted with regard to expenditure on renewals?

The Honourable Sir Thomas Stewart: (a) and (b). The attention of the Honourable Member is invited to the exact wording of the remarks against paragraph 74 of the second statement showing the action taken on recommendations in the Indian Railway Enquiry Committee's Report, to which he is presumably referring though he has not quoted them fully or accurately. In regard to this matter and to the function of the Chief Accounts Officer in respect of it, I place on the table a copy of the Railway Board's letter No. 0453-F., dated the 22nd February, 1938, perusal of

which will enable the Honourable Member to appreciate more fully the attitude of the Railway Board towards it.

(c) The principles to be followed in regard to expenditure on renewals are stated in paragraphs 714 and 715 of the State Railway General Code, a copy of which is available in the Library of the House.

GOVERNMENT OF INDIA.

RAILWAY DEPARTMENT.

(RAILWAY BOARD).

No. O.-453-F.

New Delhi, the 22nd February, 1938.

To

The Agent,
East Indian Railway.
Eastern Bengal Railway.
Great Indian Peninsula Railway.
North Western Railway.

DEAR SIR.

Productivity of capital expenditure.

I am directed to invite your attention to paragraph 74 of the report of the Indian Railway Enquiry Committee regarding capital expenditure in which they expressed the opinion that capital expenditure had been incurred on too lavish a scale in the past and suggested that in future no scheme whose justification rests on the savings to be effected should be passed unless the annual saving is equal to at least 10 per cent. on the capital cost involved.

2. With a view to closer control over capital expenditure the Railway Board are reviewing the procedure for according approval to works costing over a lakh of rupees which, at present, come before them for consideration in the Works Programme. So far as works within your own financial powers are concerned, they desire that in considering schemes the financial justification of which rests on the savings to be effected you should keep the return of 10 per cent. suggested by the Committee prominently in view. They recognise, however, that neither in regard to such schemes nor in regard to schemes expected to earn additional revenue can any percentage figure of return be rigidly adopted as the sole criterion for sanction. Each scheme should receive careful examination on its merits, and the Board do not wish to fetter your discretion in the exercise of the powers delegated to you. Certain schemes, though essential or very desirable, cannot from their inherent nature show a direct return on the outlay. Where, however, this return is the predominant consideration in determining whether a scheme should be proceeded with or not, you should remember that a work which is expected to yield only a small margin of profit over and above the present rate of Government borrowing should not necessarily be regarded as remunerative. In the first place, although the present rate of Government borrowing is low, the rate at which the Railway Department has to pay interest to general revenues on capital expenditure is an average rate worked out on borrowings since 1916-17. (It amounts approximately at present to 4.75 per cent. though the effect of the reduction in the rate of Government borrowing in recent years will operate gradually to reduce it.) Secondly, there is the contingent liability to pay a contribution from railways surplus to general revenues which under the existing convention is assessed at one per cent. of the capital-at-charge. Any addition to this capital therefore increases this contingent liability. Thirdly, experience has shown that partly owing to the optimism of the departments submitting the schemes and partly to unforeseen causes the realisation not infrequently falls substantially short of the estimated return. The Railway

Board have little doubt that the last consideration carried substantial weight with the Railway Enquiry Committee when they made their recommendation of ten per cent.

3. The Railway Board also desire in this connection to emphasize the position of the Chief Accounts Officer as your financial adviser. His work in this capacity is, needless to say, not the routine arithmetical check of estimates, nor the examination of the propriety of the allocation, nor the question of the authority competent to convey financial sanction (these points have, of course, also to be examined by him), but the careful scrutiny of the justification for the expenditure proposed. Even in cases where the return on the outlay is not the determining factor, it is incumbent on him to examine and offer his advice on the general merits in the spirit of a prudent individual spending his own money. The observations in this para. should be held to apply not only to schemes within your financial competence but also to those which require the sanction of higher authority.

Your faithfully,

T. S. SANKARA,

Director of Finance, Railway Board

Mr. S. Satyamurti: With reference to the answer to clause (a) of the question,—my friend will pardon me,—I have not appreciated his answer completely,—may I know briefly what are the criteria which Government now observe with regard to expenditure on new schemes as apart from renewals?

The Honourable Sir Thomas Stewart: I have laid on the table for the information of the House a very considerable letter, and I would ask my Honourable friend to excuse me from reading it on the floor of the House.

Mr. S. Satyamurti: May I know, Sir, if Government have definitely given up the test on the definite percentage return, and if so, why?

The Honourable Sir Thomas Stewart: I think the Honourable Member will get the information he requires in this somewhat considerable letter

Mr. S. Satyamurti: Even the reasons are given there?

The Honourable Sir Thomas Stewart: This letter gives our latest views.

SUGGESTIONS FOR THE IMPROVEMENT OF TELEGRAPH AND POSTAL REVENUE AND EXTENSION OF TELEPHONE SERVICE.

291. ***Mr. S. Satyamurti:** Will the Honourable Member for Communications be pleased to state:

- (a) whether his attention has been drawn to the address of Mr. M. Asaf Ali at the Patna Conference of the All-India and Burma Postal and Railway Mail Service Union in the course of which he suggested that the surplus of the revenue of post office telephones should be devoted to the extension of the postal telephone service and improvement of the lot of the low-paid staff;
- (b) whether the attention of Government has also been drawn to the statement that the question of making the Telegraph Department remunerative was the most urgent problem which the Department should tackle;

- (c) whether Government's attention has been drawn to the further statement that the air mails were mostly used by affluent people and hence the air mail rates should be enhanced and made a source of increased revenue; and
- (d) whether Government have examined these suggestions and propose to take action thereon; if so, what action they propose to take and when?

The Honourable Sir Thomas Stewart: (a), (b) and (c). Yes.

(d) The reply to the first part is in the affirmative. These suggestions are not new. They have been examined from time to time in the past and such action as was justified in all the circumstances has been taken.

Mr. S. Satyamurti: With regard to the answer to clause (a) of the question, may I know whether Government have considered or propose to consider the question of improving the lot of the low paid staff in the telephone department of the Post and Telegraph Department? In view of the fact that the Government make a handsome profit, they should consider the legitimate claims of all those low paid staff.

The Honourable Sir Thomas Stewart: Government always consider the legitimate claims of their staff.

Mr. S. Satyamurti: With regard to the answer to clause (b) of the question, may I know, Sir, whether, apart from the question of the revision of rates of press telegrams, to which my Honourable friend referred a few minutes ago, Government have any other proposals on hand with regard to making the Telegraph Department remunerative or at least self-supporting?

The Honourable Sir Thomas Stewart: Government have always under their consideration any possible ways of making the Telegraph Department pay for itself.

Mr. S. Satyamurti: Have Government any other specific proposals under their consideration, apart from the question of raising the rates on press telegrams?

The Honourable Sir Thomas Stewart: I am not aware of any other specific proposal.

Mr. S. Satyamurti: With regard to the answer to part (c) of the question, may I know if Government have recently considered the question of raising the air mail rates, and if so, with what result?

The Honourable Sir Thomas Stewart: Government have not considered any such proposal.

Mr. S. Satyamurti: Why not? Considering that the air mail is used by the comparatively, I will not say rich, but well-to-do people, in this country, as elsewhere, why should not Government consider the question of raising the air mail rates?

Mr. N. M. Joshi: They want to support the rich at the cost of the poor.

The Honourable Sir Thomas Stewart: Let me inform my Honourable friend that these rates have not been in force for a year, and it would be somewhat premature to consider a revision of the rates.

Mr. Muhammad Azhar Ali: Do Government realise that the Telegraph Department is working at a loss and therefore it cannot be called a commercial concern? What action are Government going to take to make it remunerative?

The Honourable Sir Thomas Stewart: The Honourable Member's statement amounts to a truism.

TRADE AGREEMENT WITH AFGHANISTAN.

†292. ***Mr. Abdul Qaiyum:** Will the Foreign Secretary kindly state:

- (a) the nature of talks recently held between the Government of India and the Commerce Delegation from Afghanistan headed by His Excellency Abdul Majid Khan;
- (b) the decisions which were arrived at;
- (c) whether it is proposed to enter into a comprehensive trade pact with Afghanistan; and
- (d) whether the terms of such pact will be made public?

Sir Aubrey Metcalfe: (a) and (b). The talks were purely exploratory and the conclusions reached have still to be considered and approved by the two Governments.

- (c) No final decision has yet been reached regarding a trade pact.
- (d) Does not arise.

NEGOTIATIONS FOR A TRADE AGREEMENT WITH THE UNITED STATES OF AMERICA.

293. ***Mr. S. Satyamurti** (on behalf of Seth Govind Das): Will the Foreign Secretary please state:

- (a) whether he is aware of the fact that Indians in the United States of America cannot stay in that land for an unlimited period and that the status of a business man or merchant there is not better than that of a temporary visitor;
- (b) whether he is aware that many Indians in the United States of America are prevented from opening offices to do business independently;
- (c) whether he is aware that nationals of other Asiatic countries have the advantage over Indians in the matters of residence, settlement and permanent and independent business in the United States of America; and

†Answer to this question laid on the table, the questioner being absent.

- (d) whether Government propose negotiating for a trade treaty to ensure better relationship to Indian nationals and better commercial facilities to India on a reciprocal basis; if so, at what stage the negotiations are now?

Sir Aubrey Metcalfe: (a), (b) and (d). I would invite the Honourable Member's attention to the answers given by me today to Mr. Chettiar's question No. 275 and Mr. Akhil Chandra Datta's question No. 281.

(c) Yes.

Mr. S. Satyamurti: May I know whether Government, in pursuing these negotiations with the United States of America, have ascertained or will ascertain the reasons why the nationals of other Asian countries have this advantage over Indians?

Sir Aubrey Metcalfe: The reason, I think, has been stated in this House, that at present India has no treaty of commerce or navigation with the United States, and it is that lacuna that we hope to supply by these negotiations.

Mr. S. Satyamurti: Is that the only reason, and is there no other reason? Once this treaty is concluded, there will be no disadvantage against Indians as against other Asian nationals?

Sir Aubrey Metcalfe: That, I think, is the position.

TRADE AGREEMENT WITH AFGHANISTAN.

294. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Foreign Secretary please state:

- (a) whether the informal talks with the delegation from Afghanistan have reached a conclusion;
- (b) the time when trade negotiations will commence;
- (c) whether he will consult non-official advisers representing the mercantile and consuming communities of the country before his concluding the trade agreement;
- (d) whether he will stipulate the condition of freedom of trade and citizenship for Indians in Afghanistan on a par with the treatment accorded to Afghan nationals in this country; and
- (e) whether he will consult this House before the conclusion of the contemplated agreement on its various issues, such as, trade monopoly, exchange difficulties and check on the freedom of trade experienced by Indians in Afghanistan?

Sir Aubrey Metcalfe: (a) and (b). Attention is invited to answers to parts (a) and (b) of question No. 292 asked by Mr. Abdul Qaiyum today.

(c), (d) and (e). Do not arise.

Mr. S. Satyamurti: I take it that my Honourable friend refers to the answer of the Commerce Member to Mr. Chettiar's question, when he refers to the previous answer.

Sir Aubrey Metcalfe: No. I am referring to the answer which I would have given to Mr. Abdul Qaiyum earlier if Mr. Abdul Qaiyum had been in the House.

Mr. S. Satyamurti: May I suggest that that answer may be read out?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can read it out.

Sir Aubrey Metcalfe: The question is No. 292:

“(a) and (b). The talks were purely exploratory and the conclusions reached have still to be considered and approved by the two Governments.

(c) No final decision has yet been reached regarding a trade pact.

(d) Does not arise.”

Mr. S. Satyamurti: With regard to clause (c) of question No. 294, may I know what is the answer?

Sir Aubrey Metcalfe: That is a point which will be considered when the question of trade pact negotiation approaches somewhat nearer.

Mr. S. Satyamurti: With regard to clauses (d) and (e) of the question, may I know what is the answer?

Sir Aubrey Metcalfe: I cannot undertake to do that until the present conversations have reached a more definite stage.

Mr. S. Satyamurti: But, in pursuing those conversations, will Government bear in mind the considerations urged in clause (d) of the question, namely, reciprocity of trade and citizenship between India and Afghanistan?

Sir Aubrey Metcalfe: Certainly they will bear it in mind. That is one of the reasons why conversations were initiated.

TRAIN DISASTER NEAR HAZARIBAGH ON THE EAST INDIAN RAILWAY.

295. *Mr. Mohan Lal Saksena: Will the Honourable Member for Railways be pleased to make a comprehensive statement about the derailment of the Dehra Dun Express which took place near Hazaribagh Road?

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to the reply given to Mr. Badri Dutt Pande's starred question No. 31 of the 3rd February, 1939.

TRAIN DISASTER NEAR HAZARIBAGH ON THE EAST INDIAN RAILWAY.

296. *Mr. Mohan Lal Saksena: (a) Will the Honourable Member for Railways be pleased to state the total number of third class tickets issued at the Howrah station for stations beyond Hazaribagh Road on the day of the derailment of Dehra Dun Express?

(b) What was the total seating capacity of the third class carriages which were damaged and caught fire?

(c) What steps were taken to extricate the wounded from the debris and to give them relief?

(d) Is it a fact that non-official agencies were not permitted to offer relief? If so, why?

(e) Is it a fact that a number of dead bodies were discovered more than 48 hours after the occurrence. If so, why?

(f) Has any compensation been given by the railway authorities to the injured and the relations of the dead? If not, do Government propose to do so, and when?

The Honourable Sir Thomas Stewart: (a) "Train by train" records of booking of passengers are not maintained, but, between 17 and 23 hours, 143 tickets were issued beyond Hazaribagh Road at Howrah station.

(b) One third class bogie caught fire and one was damaged. The total seating capacity of each is 120.

(c) and (e). I would refer the Honourable Member to the Senior Government Inspector's report.

(d) It is understood that all references from non-official agencies were answered by the local civil and police authorities.

(f) I would refer the Honourable Member to the reply given today to part (e) of Sardar Mangal Singh's starred question No. 286.

• IMPROVEMENTS IN THE ALL-INDIA RADIO.

297. *Mr. Mohan Lal Saksena: (a) Will the Honourable Member for Communications be pleased to state what improvements, if any, have been made in the All India Radio Department during the year 1938?

(b) Have any advisory committees been appointed for the various broadcasting stations? If so, how have they been appointed?

(c) What steps, if any, have been taken to encourage the production of cheap radio sets in India?

The Honourable Sir Thomas Stewart: (a) If the Honourable Member would give me an indication of the nature of improvements he has in mind, I shall endeavour to give him the information he wants.

(b) As the Honourable Member is aware, there is an Advisory Committee at Delhi. With regard to Bombay, Calcutta and Madras, Government have been in communication with the Provincial Governments concerned about the formation of Advisory Committees, and it is hoped that they will be formally constituted very shortly.

(c) I am unable to add anything to what was stated on this subject in Mr. Clow's speech in this House on the 10th August, 1938, in connection with Sardar Mangal Singh's Resolution on broadcasting.

Mr. Mohan Lal Saksena: May I know if any improvements whatever have been made?

The Honourable Sir Thomas Stewart: I trust that we are making day to day improvement in our organisation.

Mr. Mohan Lal Saksena: Are Government considering the appointment of Advisory Committees?

The Honourable Sir Thomas Stewart: Yes. That is a proposition that we are perfectly prepared to consider.

RADIO GOODS IMPORTED INTO INDIA AND TRAINING IN RADIO INDUSTRY.

298. *Mr. Mohan Lal Saksena: (a) Will the Honourable Member for Communications be pleased to state the total value of radio goods imported in India during 1938, and how much was purchased by the Government of India, or Provincial Governments?

(b) What are the names of the firms from which the goods were generally purchased, and have any Indians been deputed to these firms to take training in the radio industry?

(c) Do Government give any scholarship for the study of radio industry? If so, how many? What are the names of those to whom scholarships have been given?

(d) What other help, if any, do Government give to persons desirous of proceeding to foreign countries for higher research and receiving training in this industry?

The Honourable Sir Thomas Stewart: (a) The information asked for will be found under the heading of "wireless apparatus" in the monthly "Accounts of the Sea-borne Trade and Navigation of British India", copies of which are available in the Library. No figures relating to radio goods as distinct from wireless apparatus are available. The value of wireless apparatus purchased by All-India Radio during 1938 was Rs. 9,19,000. I have no information regarding the value of radio goods purchased by Provincial Governments.

(b) A statement, showing the names of the firms from which wireless apparatus was purchased by All-India Radio, is laid on the table of the House. Government have not deputed any Indians to any of these firms for training.

(c) No, Sir. The other parts of the question do not arise.

(d) The High Commissioner for India endeavours to secure all possible facilities for the training of Indian students in the United Kingdom in the various branches of engineering and technology.

Statement showing the names of the Firms from which Wireless Apparatus was purchased by All-India Radio.

1. Messrs. The India Radio and Cable Communications, Company, Limited, Bombay.
2. Messrs. Philips Electrical Company (India), Limited, Calcutta.
3. Messrs. Standard Telephones and Cables Limited. Calcutta.
4. Messrs. Rama Brothers, Karachi.
5. Messrs. General Electric Company (India) Limited, Calcutta.
6. Messrs. Laxmidas and Dwarkadas. Bombay.
7. Messrs. M. Simons and Sons Company Inc., Limited, New York.
8. Messrs. The Gramophone Company Limited, Dum Dum.
9. Messrs. The Pramashaw Motor Company, Bombay.

Mr. S. Satyamurti: With reference to the answer to clause (c) of the question, may I know the reason why the Government of India do not give any scholarship for the study of the radio industry abroad? Do they not realise the need for higher research in that direction, with a view to manufacture in our country cheaper and cheaper radio receiving sets?

The Honourable Sir Thomas Stewart: Government are not prepared to admit that the demands of radio technology are more important than other forms of technology.

Mr. S. Satyamurti: Does my Honourable friend include in radio technology the manufacture of cheap radio sets, and, if so, why is it that Government do not consider it necessary to encourage the manufacture, by sending our students abroad, so that they might get the necessary experience and knowledge in that direction?

The Honourable Sir Thomas Stewart: I can only repeat that I can see no reason in the world why radio technology should be singled out for special treatment.

Mr. S. Satyamurti: With reference to clause (b) of the question, may I know whether the firms from which we buy radio goods give reasonable facilities for Indians for being trained in this industry?

The Honourable Sir Thomas Stewart: What I understand is this: it is a condition of the contract with the firms who instal our major installations that they should train during the process of installation Indian personnel in the use of those installation.

Mr. S. Satyamurti: How many Indians have been trained so far according to that arrangement?

The Honourable Sir Thomas Stewart: If the Honourable Member wants detailed figures, he must give me notice.

Mr. K. Santhanam: Have Government made any arrangements for training radio mechanics, to give cheap and efficient service for possessors of radio sets in the big towns?

The Honourable Sir Thomas Stewart: Government are neither the sellers of radio apparatus nor do they claim to be a service agency in that respect.

Mr. K. Santhanam: Are Government aware that the expansion of broadcasting is hindered by the lack of service men in most of the big towns?

The Honourable Sir Thomas Stewart: No, Sir. I do not think that is a serious handicap.

Mr. Mohan Lal Saksena: With reference to part (b) may I know why Indians have not been deputed for training? Is it because no men have applied for it or the firms have refused to give them training?

The Honourable Sir Thomas Stewart: The Honourable Member is asking me something that I know nothing about.

POST OFFICES OPENED IN RURAL AREAS.

299. *Mr. Mohan Lal Saksena: (a) Will the Honourable Member for Communications be pleased to state the number of post offices opened in rural areas during the last 12 months, the number of hands employed therein and their total cost?

(b) What is the average area which each post office serves at present, and how does it compare with Great Britain and other countries?

(c) What is the present programme of Government for extending postal facilities in rural areas?

The Honourable Sir Thomas Stewart: (a) Information as to the number of post offices opened in rural areas during the last twelve months is not readily available; but the number opened in the financial year 1937-38 was 1,236. Information with regard to the number of hands employed in these offices and their total cost is not readily available and cannot be collected without an undue expenditure of time and labour.

(b) Information regarding Great Britain and other countries is not available. As regards India, I would refer the Honourable Member to Appendix V of the Annual Report of the Indian Posts and Telegraphs Department for the year 1937-38 (a copy of which is in the Library of the House) which shows the average area served by a post office in the different postal circles.

(c) The policy of the Department is generally to provide postal facilities in rural areas where they are considered justified.

Mr. M. Ananthasayanam Ayyangar: How many rural post offices have been closed during the same year?

The Honourable Sir Thomas Stewart: I require notice of that.

Mr. T. S. Avinashilingam Chettiar: How many of these are seasonal post offices—opened only for a few months in the year?

The Honourable Sir Thomas Stewart: Seasonal post offices such as those that are opened at melas and fairs are not included in this number.

CONTRACT FOR REMODELLING OF WALTAIR STATION YARD.

300. *Mr. K. S. Gupta: (a) Will the Honourable the Railway Member please state whether he is aware that the general condition of calling for separate tenders according to the schedule of rates in the Bengal Nagpur Railway for all works costing more than Rs. 5,000 is often violated by splitting the contracts to sums less than five thousand?

(b) What is the estimated cost of remodelling of Waltair Station Yard?

(c) Who are the contractors for the work?

(d) Is it a fact that the major contract for the above work is split into minor ones?

(e) How many such minor contracts, and of what value each, were entered into for the whole work?

(f) Is not F. S. W. Bill intended to carry Bengal Nagpur Railway Company's small articles free of charge from place to place?

(g) Is the same F. S. W. Bill used to carry contractor's materials? If so, does the Honourable Member see that it is a material loss to the Railway?

(h) What is the object of a credit note issued to firms supplying materials to the Railway? What is the reason for not issuing credit notes to the contractors also instead of F. O. S. and debiting the charges to them?

The Honourable Sir Thomas Stewart: Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

REDUCTIONS IN THE ENGINEERING DEPARTMENT OF THE BENGAL NAGPUR RAILWAY.

301. *Mr. K. S. Gupta: Is the Honourable the Railway Member aware that after the introduction of the Wages Act the authorities of the Bengal Nagpur Railway are reducing the staff in pay and grade? If so, what is the action taken or proposed to be taken to see that the provisions of the Wages Act be strictly applied without recourse to reduction in the pay and prospects of the employees of the Engineering Department of the Bengal Nagpur Railway?

The Honourable Sir Thomas Stewart: This is a matter of detailed administration on a Company-managed Railway in regard to which the Government have no information. I am, however, sending a copy of this question to the Agent and General Manager of the Bengal Nagpur Railway for such action as he may consider necessary.

Prof. N. G. Ranga: Are we to understand that the Government of India are kept completely in the blind in regard to the policy of these various railways and in particular this railway, about its policy of retrenchment?

The Honourable Sir Thomas Stewart: I would remind the Honourable Member that to a considerable extent these railway administrations are autonomous.

Prof. N. G. Ranga: Is this merely a matter of detail? Here is a definite allegation made and it is brought to the Honourable Member's notice that retrenchment is being made. Are we not entitled to know whether the information is true and if so, to what extent?

The Honourable Sir Thomas Stewart: This is a matter of domestic concern of the railway in question. This is not a responsibility of the Government of India.

Mr. S. Satyamurti: In view of the fact that the Payment of Wages Act was passed in this House at the instance of Government, will the

Honourable Member pursue this matter further, and see that it is not abused to the detriment of the employees of the Bengal Nagpur Railway?

The Honourable Sir Thomas Stewart: So far as I am aware, the Bengal Nagpur Railway have no exemption from the provisions of the Payment of Wages Act.

MUSLIMS EMPLOYED ON THE EASTERN BENGAL RAILWAY.

1302. *Mr. Muhammad Nauman: (a) Will the Honourable Member for Railways be pleased to state the total number of Muslims employed on the Eastern Bengal Railway on the closing list of the year of 1933 and the number of Muslims employed on the closing list of the year 1937?

(b) Is the Honourable Member aware that the percentage of Muslims employed in subordinate cadres in permanent services on the Eastern Bengal Railway comes to about five of the total, in spite of the Government of India Resolution of 1934?

(c) What efforts have been made to make up Muslim quotas of 45 per cent. as required by the Eastern Bengal Railway?

The Honourable Sir Thomas Stewart: (a) to (c). I would refer the Honourable Member to the reply I gave to Shaikh Rafiuddin Ahmad Siddiquee's starred question No. 1577 on the 29th November, 1938.

DISCHARGE OF MUSLIMS ON THE EASTERN BENGAL RAILWAY.

1303. *Mr. Muhammad Nauman: (a) Will the Honourable Member for Railways please state whether it is a fact that Muslims are discharged in temporary and permanent posts in all grades on the Eastern Bengal Railway on the slightest pretext to defeat the purpose of the Government of India Resolution of 1934 in the matter of recruitment?

(b) Will the Honourable Member state comparatively the number of Muslims and Hindus discharged after the Resolution of 1934?

The Honourable Sir Thomas Stewart: (a) Government have no reason to believe that there is any discrimination against Muslims in the application of the "Rules regulating discipline and rights of appeal of non-gazetted railway servants".

(b) I would refer the Honourable Member to the reply I gave to part (a) of Shaikh Rafiuddin Ahmad Siddiquee's starred question No. 1578 on the 29th November, 1938.

PERCENTAGE OF MUSLIMS ON THE EASTERN BENGAL RAILWAY.

1304. *Mr. Muhammad Nauman: Will the Honourable Member for Railways state what improvement has taken place in the percentage of Muslims

+Answer to this question laid on the table, the questioner being absent.

employed in permanent services since 1934, and place on the table a comparative statement of percentage in the years 1934, 1935, 1936 and 1937 on the whole of the Eastern Bengal Railway?

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to the statement laid on the table in connection with part (b) of Shaikh Rafiuddin Ahmad Siddiquee's starred question No. 1578 asked on the 29th November, 1938.

NON-EXISTENCE OF FACILITIES FOR TRAINING OF MUSLIMS ON STATE RAILWAYS.

305. *Mr. Muhammad Nauman: (a) Is the Honourable Member for Railways aware that no facilities for expert training in India and in foreign countries are offered to deserving Muslims on the Eastern Bengal Railway, East Indian Railway, North Western Railway and Great Indian Peninsula Railway?

(b) Will the Honourable Member state the number and names of employees, community by community, on these Railways who were offered facilities for special training during 1933—1938?

The Honourable Sir Thomas Stewart: (a) and (b). So far as the Eastern Bengal Railway is concerned, I would refer the Honourable Member to the reply I gave to Shaikh Rafiuddin Ahmad Siddiquee's starred question No. 1579 on the 29th November, 1938. As regards the three other railways referred to, Government have no reason to believe that there is any discrimination against Muslims, and do not consider that the labour involved in a scrutiny of the records for the past five years to compile the information required can be justified.

NEGOTIATIONS FOR A TRADE AGREEMENT WITH THE UNITED STATES OF AMERICA.

306. *Sardar Mangal Singh: Will the Foreign Secretary please state .

- (a) whether the negotiations with the United States of America have begun for the conclusion of a commercial treaty;
- (b) whether they are being conducted by the Government of India direct, or through His Majesty's Government in the United Kingdom;
- (c) when they hope to finish them; and
- (d) whether this House would be consulted before the commercial treaty is finally ratified by the Government of India?

Sir Aubrey Metcalfe: (a), (b) and (c). Negotiations have commenced with a view to concluding a general treaty of commerce and navigation between India and the United States of America and are being conducted through His Majesty's Government in the United Kingdom. It is not possible to say how long it will take to complete the negotiations.

*Answer to this question laid on the table, the questioner being absent.

(d) Government will certainly consult the House if such consultation should prove necessary.

Prof. N. G. Ranga: Is there any representative of the Government of India associated with His Majesty's Government representatives in carrying on negotiations with the United States Government?

Sir Aubrey Metcalfe: Not at present.

Prof. N. G. Ranga: Why is it that there is no representative of the Government of India?

Mr. President (The Honourable Sir Abdur Rahim): You cannot discuss a question like that now.

Mr. S. Satyamurti: May I ask for some elucidation of the answer which my Honourable friend gave? In answer to (d), he said that Government will consult the House if necessary. Does it mean that, if and when Government are in a position to come to an agreement with the United States, they will then consult us?

Sir Aubrey Metcalfe: I cannot commit Government but there seems to be no reason why they should not be consulted in a matter in which business interests are involved.

Sardar Mangal Singh: May I know whether the Indian Chamber of Commerce of the United States of America will be consulted in this matter?

Sir Aubrey Metcalfe: It will, if necessary, but it is perfectly clear what the Indian public want in the matter and that is what we are trying to get.

Prof. N. G. Ranga: In what manner are His Majesty's Government closely in touch with the views of the Government of India in these conversations?

Sir Aubrey Metcalfe: Through the External Affairs Department.

Mr. M. Ananthasayanam Ayyangar: Why not through the Commerce Department?

Mr. President (The Honourable Sir Abdur Rahim): Next question.

PROFESSION TAX LEVIED BY THE MADRAS GOVERNMENT.

307. *Dr. Sir Ziauddin Ahmad: Will the Honourable the Railway Member please state whether the profession tax levied by the Madras Government is levied on persons serving in centrally administered services?

The Honourable Sir Thomas Stewart: The question should have been addressed to my Honourable colleague, the Finance Member.

PROTECTION OF THE INTERESTS OF INDIAN MERCHANTS IN THE UNITED STATES OF AMERICA.

308. *Mr. Manu Subedar: Will the Foreign Secretary please state :

- (a) whether Government are aware that, in spite of the immigration restrictions on the entry of Asiatics in the United States of America the Japanese and Chinese merchants secure not only entry into the United States of America but full protection for their trade interests on account of the existence of trade treaties between China and the United States of America and Japan and the United States of America;
- (b) whether Government are aware that even Siam and Borneo claimed equal business rights and protection for their merchants in the United States of America through trade treaties;
- (c) whether the negotiations for a treaty of commerce and navigation between India and the United States of America have started;
- (d) who is conducting the negotiations, and what are the heads on which negotiations are being carried on;
- (e) whether, pending the conclusion of these negotiations, the Government of India have asked the Government of the United States of America to give Indian merchants facilities and protection not inferior to that enjoyed by (i) United States of America merchants in India, and (ii) merchants from other countries in Asia going to the United States; and
- (f) if not, whether Government are prepared to consider the proposal to make such a request?

Sir Aubrey Metcalfe: (a) and (b). Yes.

(c) and (d). I would invite the Honourable Member's attention to the replies given by me today to questions Nos. 275 and 306 by Mr. Chettiar and Sardar Mangal Singh, respectively.

(e) and (f). No. The Government of India do not consider that any useful purpose will be served by requesting the United States Government to grant special facilities and protection to Indian merchants pending the conclusion of the negotiations.

Mr. Manu Subedar: The answer does not cover one of the queries, *viz.*, what are the heads on which negotiations are at present being carried on?

Sir Aubrey Metcalfe: I have answered that at least four times already this morning,—*viz.*, that the point on which they are trying to negotiate is to secure facilities for Indian business men as subjects of a country with which the United States of America are in treaty relations on this particular point.

Mr. Manu Subedar: Is the question of the ownership of land in the United States by Indian citizens also included?

Sir Aubrey Metcalfe: No.

Mr. Manu Subedar: Sir, on the last occasion the Commerce Member stated in a reply to me that this will be also one of the points which will be so included.

Mr. President (The Honourable Sir Abdur Rahim): That is not the point here,—it is commerce and navigation.

Mr. Manu Subedar: It goes beyond the mere issue of a trade pact; it also extends to the rights of the nationals of the two countries?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can put down a more precise question.

Mr. Manu Subedar: With reference to the answers to clauses (e) and (f), may I ask why the Government of India will not make a request, for the time being, pending these negotiations, to give a few more facilities to the Indian merchants, to the U. S. Government?

Sir Aubrey Metcalfe: For the simple reason that the facilities at present enjoyed by foreigners of all sorts in America are governed by American law, and you cannot expect, in fact there will be no hope of expecting the U. S. Government to alter their law for a period of six months in order to grant a request of this kind.

EXPULSION OF TWO INDIAN JOURNALISTS AND A STUDENT FROM FRANCE.

309. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Foreign Secretary please state:

- (a) whether his attention has been drawn to the resolution passed by the "Majlis" in London on the 18th December, 1938, protesting against the action of the French Government in arresting and expelling permanently without offering any explanation whatever one of its members, Mr. Feroze Gandhi, the special correspondent of the *National Herald*, and Mr. Sunder Kabadi, correspondent of the *Amrita Bazar Patrika* and the *Bombay Chronicle*;
- (b) whether he is aware that the French Government have expelled Mr. Imtiaz Ali Khan, a *bona fide* student of the Paris University;
- (c) whether the India Office was approached by the "Majlis" to make representations to the French Government for an explanation and for the rescinding of that order;
- (d) whether the India Office, London, took action in that direction; and

- (e) whether Government have done anything in the matter; if so, what the actions are and with what result; if not, his reasons therefor?

Sir Aubrey Metcalfe: (a) No.

(b) Yes.

(c) The Government of India have no information.

(d) and (e). Representations were made by His Britannic Majesty's Ambassador in Paris regarding the expulsion of Mr. Intiaz Ali Khan. The French Government, however, were not prepared to alter their decision in the matter. As regards Messrs. Feroze Gandhi and Sunder Kabadi, the Honourable Member's attention is invited to the answer given to Sardar Mangal Singh's question No. 4 on the 3rd February, 1939.

Mr. S. Satyamurti: Have the orders against these two gentlemen since been withdrawn by the French Government?

Sir Aubrey Metcalfe: Not so far as I am aware.

Mr. S. Satyamurti: May I know if Government are aware of the existence of any rule of international law or courtesy between His Majesty's Government and the French Government, for example, as to the principles or conditions on which the subjects of either State may be expelled,—or is it a unilateral right of each with respect to which the other Government has no right?

Sir Aubrey Metcalfe: It is ordinarily a matter of internal administration.

Mr. S. Satyamurti: May I know whether His Majesty's Government have brought any pressure, diplomatic or otherwise, to bear on the French Government with regard to these orders upon these Indian nationals?

Sir Aubrey Metcalfe: I doubt if one Government is in a position to bring pressure to bear on another Government in a matter which concerns purely their ordinary internal administration.

Mr. S. Satyamurti: Have His Majesty's Government at least ascertained from the French Government the reasons for the expulsion orders against these gentlemen and is my Honourable friend in a position to give us a statement of the reasons?

Sir Aubrey Metcalfe: I am not in a position to give a statement of the reasons—although I understand that His Majesty's Government have made or are making inquiries.

Mr. S. Satyamurti: Have His Majesty's Government learnt from the French Government (to the knowledge of the Government of India) the reasons for these orders against these Indians?

Sir Aubrey Metcalfe: No, I gather they have not.

UNSTARRED QUESTION AND ANSWER.

ISHURDI-PABNA RAILWAY PROJECT OF THE EASTERN BENGAL RAILWAY.

4. Maulvi Abdur Rasheed Chaudhury: (a) Will the Honourable the Railway Member please state at what stage the Ishurdi-Pabna Railway project of the Eastern Bengal Railway is at present?

(b) Was any survey made of the projected railway line?

(c) When was the survey made?

(d) Will the Honourable Member state the reason why the project has not been given effect to?

(e) Do the Railway Department contemplate taking up this project in the near future?

The Honourable Sir Thomas Stewart: (a) to (d). The attention of the Honourable Member is invited to the reply given to part (a) of question No. 21 put by the Honourable Mr. Kumarsankar Ray Choudhury in the Council of State on 5th September, 1938.

(e) No.

RESOLUTION *RE* WITHDRAWAL OF INDIA FROM THE LEAGUE OF NATIONS—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): The next business before the House is the voting on the amendment, moved by
12 Noon. Sir Syed Raza Ali, to the Resolution moved by Mr. T. S. Avinashilingam Chettiar and the Resolution itself. The question is:

“(a) That after the words ‘Governor General in Council’ the words ‘unless the League of Nations agrees to reduce India’s contribution to 2,00,000 francs with effect from 1941’ be inserted;

(b) that the word ‘immediate’, occurring in the first line, be omitted; and

(c) that all the words occurring after the words ‘to withdraw from the League’ be omitted.”

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

“That at the end of the Resolution, the following be added:

‘and also for the reason that Great Britain has persisted in following an utterly wrong policy with regard to Palestine, in contravention of Article 22 of the Covenant, and in open disregard of the feelings of the Indian Nation in this matter’.”

The Assembly divided:

AYES—51.

Abdul Ghani, Maulvi Muhammad.
 Abdur Rasheed Chaudhury, Maulvi.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Azhar Ali, Mr. Muhammad.
 Basu, Mr. R. N.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachelam.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Mr. Govind V.
 Gadgil, Mr. N. V.
 Ghulam Bhik Nairang, Syed.
 Gupta, Mr. K. S.
 Hegde, Sri K. B. Jinaraja.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.
 Kailash Behari Lal, Babu.
 Labiri Chaudhury, Mr. D. K.
 Lalchand Navalrai, Mr.
 Malaviva Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Manu Subedar, Mr.

Mudaliar, Mr. C. N. Muthuranga.
 Muhammad Ahmad Kazmi, Qazi.
 Murtuza Sahib Bahadur, Maulvi Syed.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Rafiuddin Ahmad Siddiquee, Shaikh.
 Raghubir Narayan Singh, Choudhuri.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. M. Thirumala.
 Raza Ali, Sir Syed.
 Saksena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Shabban, Mian Ghulam Kadir
 Muhammad.
 Sham Lal, Mr.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Sri Prakasa, Mr.
 Subbarayan, Shrimati K. Radha Bai.
 Umar Aly Shah, Mr.
 Varma, Mr. B. B.
 Zafar Ali Khan, Maulana.
 Ziauddin Ahmad, Dr. Sir.

NOES—45.

Abdul Hamid, Khan Bahadur Sir.
 Ahmad Nawaz Khan, Major Nawab
 Sir.
 Aikman, Mr. A.
 Ayyar, Mr. N. M.
 Bajpai, Sir Girja Shankar.
 Bewoor, Mr. G. V.
 Boyle, Mr. J. D.
 Buss, Mr. L. C.
 Chanda, Mr. A. K.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur
 Captain.
 DeSouza, Dr. F. X.
 Gorwala, Mr. A. D.
 Greer, Mr. B. R. T.
 Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 Hardman, Mr. J. S.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur
 Sardar Sir.
 Joshi, Mr. N. M.
 Kamaluddin Ahmed, Shams-ul-Ulema.
 Kushalpal Singh, Raja Bahadur.
 Lillie, Mr. C. J. W.
 Mackeown, Mr. J. A.

Maxwell, The Honourable Mr. R. M.
 Menon, Mr. P. A.
 Menon, Mr. P. M.
 Metcalfe, Sir Aubrey.
 Miller, Mr. C. C.
 Mukerji, Mr. Basanta Kumar
 Nur Muhammad, Khan Bahadur
 Shaikh.
 Ogilvie, Mr. C. M. G.
 Pillai, Mr. N. R.
 Row, Mr. K. Sanjiva.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan, Captain
 Sardar Sir.
 Sircar, The Honourable Sir Nripendra.
 Sivaraj, Rao Sahib N.
 Spence, Mr. G. H.
 Staig, Mr. B. M.
 Stewart, The Honourable Sir
 Thomas.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Thomas, Mr. J. H.
 Zafrullah Khan, The Honourable Sir
 Muhammad.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question now is:

"That the main Resolution, as amended, be adopted:

'This Assembly recommends to the Governor General in Council that immediate steps be taken under Article 1(3) of the Covenant of the League of Nations to give notice of India's intention to withdraw from the League, among others, for the reason that the League has failed to implement the provisions of Article 16 of the Covenant against covenant-breaking members

of the League and also for the reason that Great Britain has persisted in following an utterly wrong policy with regard to Palestine, in contravention of Article 22 of the Covenant, and in open disregard of the feelings of the Indian Nation in this matter."

The Assembly divided:

AYES—55.

Abdul Ghani, Maulvi Muhammad.
 Abdur Rasheed Chaudhury, Maulvi.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Azhar Ali, Mr. Muhammad.
 Basu, Mr. R. N.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sani Vencatachelam.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Mr. Govind V.
 Gadgil, Mr. N. V.
 Ghiasuddin, Mr. M.
 Ghulam Bhik Nairang, Syed.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Hegde, Sri K. B. Jinaraja.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.
 Kailash Behari Lal, Babu.
 Lahiri Chaudhury, Mr. D. K.
 Lalchand Navalrai, Mr.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.

Manu Subedar, Mr.
 Mudaliar, Mr. C. N. Muthuranga.
 Muhammad Ahmad Kazmi, Qazi.
 Murtuza Sahib Bahadur, Maulvi Syed.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Rafiuddin Ahmad Siddiquee, Shaikh.
 Raghubir Narayan Singh, Choudhuri.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. M. Thirumala.
 Raza Ali, Sir Syed.
 Saksena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Shahban, Mian Ghulam Kadir
 Muhammad.
 Sham Lal, Mr.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Som, Mr. Surya Kumar.
 Sri Prakasa, Mr.
 Subbaravan, Shrimati K. Radha Bai.
 Umar Aly Shah, Mr.
 Varma, Mr. B. B.
 Zafar Ali Khan, Maulana.
 Ziauddin Ahmad, Dr. Sir.

NOES—45.

Abdul Hamid, Khan Bahadur Sir.
 Ahmad Nawaz Khan, Major Nawab
 Sir.
 Aikman, Mr. A.
 Ayyar, Mr. N. M.
 Bajpai, Sir Girja Shankar
 Bewoor, Mr. G. V.
 Boyle, Mr. J. D.
 Buss, Mr. L. C.
 Chanda, Mr. A. K.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur
 Captain.
 DeSouza, Dr. F. X.
 Gorbala, Mr. A. D.
 Greer, Mr. B. R. T.
 Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 Hardman, Mr. J. S.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur
 Sardar Sir.
 Joshi, Mr. N. M.
 Kamaluddin Ahmed, Shams-ul-Ulema.
 Kushalpal Singh, Raja Bahadur.
 Lillie, Mr. C. J. W.
 Mackeown, Mr. J. A.

Maxwell, The Honourable Mr. R. M.
 Menon, Mr. P. A.
 Menon, Mr. P. M.
 Metcalfe, Sir Aubrey.
 Miller, Mr. C. C.
 Mukerji, Mr. Basanta Kumar.
 Nur Muhammad, Khan Bahadur
 Shaikh.
 Ogilvie, Mr. C. M. G.
 Pillai, Mr. N. R.
 Row, Mr. K. Sanjiva.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan, Captain
 Sardar Sir.
 Sircar, The Honourable Sir
 Nripendra.
 Sivaraj, Rao Sahib N.
 Spence, Mr. G. H.
 Staig, Mr. B. M.
 Stewart, The Honourable Sir
 Thomas.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Thomas, Mr. J. H.
 Zafrullah Khan, The Honourable Sir
 Muhammad.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The House will remember with reference to the Resolution, the voting on which has just been concluded, a question was raised whether the Chair ought not to have put the amendments that have been put to the House today and also the Resolution on the last day, when the debate on the Resolution was concluded. The debate concluded by closure just about a minute or two before 4 o'clock when the Chair had fixed an adjournment motion to be taken up. The Chair ruled then that it should not be justified in going on to the voting on the other amendments and the Resolution as it was past 4 o'clock because, at 4 o'clock, before which the debate had concluded, the voting on the first amendment was already in progress, and the Chair held that, in the absence of express authority or precedent, it should not be justified in delaying the adjournment motion any further. The Chair promised at the time, on the question being raised by the Leader of the Opposition, to consider the matter over again. There is no express authority, but, on further consideration, the Chair is confirmed in its opinion that the procedure which was then adopted was perfectly correct. The adjournment motion having been fixed at 4 o'clock, it would not be right to delay it any further than was absolutely necessary; and the necessity in this case arose from the fact that voting was already in progress. If the Chair had taken up the other amendments to the Resolution in this particular case, the adjournment motion could not be taken up for some time longer, and it might happen that in some cases the delay would be still more considerable. The Chair has, therefore, no doubt that the procedure which it adopted was quite correct.

Mr. President (The Honourable Sir Abdur Rahim): The following Resolution standing in the name of Choudhri Raghubir Narayan Singh was withdrawn by leave of the House:

"That this Assembly recommends to the Governor General in Council that a committee be appointed to enquire into the conditions of the textile industry in India and to make recommendations to ensure co-ordination in the industry and its orderly growth and to provide reasonably uniform conditions which will prevent uneconomic competition and unfair exploitation of labour."

Mr. President (The Honourable Sir Abdur Rahim): A question has arisen, which the Chair has got to consider, whether the next Resolution standing in the name of the same Honourable Member can be moved by him now because the heading says that it is to be moved only if the previous one is barred. That Resolution has been withdrawn, but, without creating any precedent on this point,—because the Chair may have to consider it later,—the Chair will allow the Honourable Member to move the next Resolution unless there be any objection on the part of any other Honourable Member who has any Resolution to move after this.

As there is no objection, the Chair will allow the Honourable Member to move this Resolution, without creating any precedent.

RESOLUTION *re* TRADE AGREEMENT WITH BURMA.

Choudhri Raghubir Narayan Singh (Meerut Division: Non-Muhammadan Rural): Sir*, the Resolution which I am now moving with your permission is as follows:

"That this Assembly recommends to the Governor General in Council that notice be given on the 1st April, 1939, to the Governor of Burma for the termination of

*The Honourable Member spoke in Hindustani.

[Choudhri Raghubir Narayan Singh.]

the India and Burma Trade (Regulation) Order 1937; that steps be taken in consultation with the leaders of parties in this Assembly for the negotiation of a fresh trade agreement with Burma and that any settlement that may be arrived at should be subject to ratification by this Assembly."

Sir, the difficulties and troubles which the Indian people are experiencing almost every day in Burma are not hidden from this Honourable House. As every one of us fully knows, and would admit, it is the Indian people who have contributed so largely to the making of Burma as a progressive unit. In fact Burma's financial and commercial progress and progress of every other kind is mainly due to the help given by every section of the Indian people from the poor Indian labourer right up to the big business magnate. But what have the Indians got in return for all this? This had better not be asked, for it is a tale of inhuman atrocities perpetrated against Indians in Burma. Their life, property and honour are not safe; yet neither the Government of Burma nor the Government of India, nor, for the matter of that, the Home Government have cared to pay any serious attention towards preventing those atrocities or doing justice to those who have suffered on that account, although their attention has been drawn to this state of affairs by different ways and means by representatives of the people in this House and by all sections of the people all over the country. The wail is still going on, but

kon sunta hai tuhan-i-darwesh

(who cares to pay any heed to the wailings of a poor beggar). However, God would ultimately do us justice.

In these circumstances, our demand is only this that the Governor General in Council be asked to terminate the existing trade agreement between India and Burma by which goods worth nearly ten crores go out to Burma and goods worth about 25 crores come from Burma to India without any taxation, and that a fresh agreement be drawn up in consultation with the leaders of parties in this Assembly and subject to ratification by this Assembly. I believe that every Member of this House would regard it as a most moderate demand and the minimum that could be asked.

Sir, I do not know much of economics; so I would leave it to my expert friends to deal with the intricacies of the subject from the economic point of view and to show whether or not the export of 10 and the import of 25 crores is to our advantage. All I understand is the simple fact that if goods worth 25 crores had not been bought from Burma this amount would have been saved to India. India is a poor country and we can ill afford to let go such a heavy amount out of the country. On the other hand, if India had not bought to that extent from Burma she would not only have saved so much for her own needs but would also have done something towards producing some of those commodities and amenities of life which she is now getting from Burma in the shape of grain and other manufactured material. This means that because we are getting things from Burma we are neglecting our duty in respect of producing them in our own country.

Sir, these, then, are the circumstances, and this is our demand; and both are so obvious and clear that it would only be a waste of time to discuss them here at length. I would, therefore, appeal to the House through you to consider the present Resolution in the spirit in which it is moved. I hope that it would be accepted by all quarters without dissent.

Mr. President (The Honourable Sir Abdur Rahim): Resolution moved :

"That this Assembly recommends to the Governor General in Council that notice be given on the 1st April, 1939, to the Governor of Burma for the termination of the India and Burma Trade (Regulation) Order 1937; that steps be taken in consultation with the leaders of parties in this Assembly for the negotiation of a fresh trade agreement with Burma and that any settlement that may be arrived at should be subject to ratification by this Assembly."

Notice of an amendment has been given by Mr. Avinashilingam Chettiar who wishes to add the words "and with a view to the protection of Indians in" after the words "fresh trade agreement with". But this would enlarge the scope of the Resolution and cannot be allowed. The discussion will be confined to the Resolution now before the House.

Mr. Manu Subedar (Indian Merchants Chamber and Bureau: Indian Commerce): Sir, I have risen to support the Resolution, moved in such eloquent terms and in the mother language by my friend, Choudhri Raghubir Narayan Singh. I would like to place before the House the genesis of this Trade Regulation Order. Section 160 of the Government of India Act says:

"With a view to preventing undue disturbance of trade between India and Burma in the period immediately following the separation of India and Burma and with a view to safeguarding the economic interests of Burma during that period, His Majesty may by Order in Council give such directions as he thinks fit for those purposes with respect to the duties which are, while the Order is in force, to be levied on goods imported into or exported from India or Burma and with respect to ancillary and related matters."

Several Orders were issued relating to monetary arrangements—immigration, income-tax and other arrangements: but the most important of the Orders is the one which is referred to in the Resolution. This Order is to last for three years—it was issued in March, 1937: it was to be in operation for three years or until 12 months have elapsed from the giving of notice by the Governor General of India to the Governor of Burma or *vice versa*. The effect of this Order is to create a customs union between Burma and India. Section 2 of Part II of the Order says:

"Except as otherwise provided in this Order all goods imported from or exported to a customs port or customs aerodrome in Burma shall in British India be deemed for the purposes of the Sea Customs Act, 1878, to be goods imported from, or exported to, a customs port or customs aerodrome in British India."

In other words, we have got Burma separated on political grounds, contrary to the wishes, both of the Burmese people and of the people of India; but though it is separated, its economic life is still intimately bound up with the life of this country. I do not know whether the Commerce Department has been watching whether we are not receiving from Burma goods which have paid duty in Burma in excess of similar re-exports from this country. In any case, the position is that we are treating the ports of Burma as if they were the ports of India for the purpose of customs. There are various other provisions in the Order into which I need not go now: they deal with the reduction of duty, with the imposition of excise and corresponding import duty, and generally they deal with provisions for the safeguarding of revenue of either country in certain eventualities. The object of this Trade Regulation Order was to prevent sudden disturbances of the economic relationship between the two countries which had been administered by the Government of India and which have been torn as under, as I said, on purely political grounds. The relations were intimate and they continue to be intimate. India is the largest customer

[Mr. Manu Subedar.]

of Burma, so large that, in the figures which are available to me, I find that India purchased 50 per cent. more than the entire exports of Burma to other countries in the world. In other words, we are the largest customer of this country, both in the matter of agricultural produce, mineral produce and forest produce. On the other hand, we are selling them articles manufactured in this country. Burma is a customer of ours in the matter of textiles, jute, iron and steel, cigarettes and tea. This trade is at present based more or less on the question of geographical and local considerations. So far as India is concerned, I am not for a moment thinking that these directions in which our trade is at present going on will remain permanent. Burma may want a little more revenue and may want to change this Order themselves. Burma is aspiring to be a manufacturing country and there are various steps at present contemplated by the Burmese Government which indicate that they have no desire to go on exporting raw material and to go on importing finished goods from any other source. So far as India is concerned, let me state it here that in the event of a complete break with Burma, a contingency which I do not contemplate as I shall show presently, but in the event of a complete break with Burma, we are not worried with regard to the articles which we are selling to Burma. In articles like textiles India is importing about 12 crores rupees worth of textiles and exporting to Burma 330 lakhs worth. In the matter of metals India is importing several crores of rupees worth of iron and steel from abroad and is exporting to Burma iron and steel worth 30 lakhs only. In jute we export about a crore of rupees worth to Burma; but no substitute has yet been found for jute and we need not at least anticipate the worry which will arise when such a substitute is found.

I do not want to put forward anything in a fighting spirit—the Resolution is there. All I say is this: and I do not wish to anticipate the discussions which will take place when the negotiations for a new agreement will come on the scene. All I say is this that we do not expect and we do not want from Burma even any undue favours in the economic field so long as we are not satisfied that the nationals of India in that country are treated properly. No economic advantage would compensate us for treatment of Indians of the kind which we are hearing in the last few months or for the utter and complete failure of the Government of Burma to safeguard the lives and property of Indians in particular and of many other sections of the community generally.

Sir, all that the Resolution requires at the present moment is that notice should be given in ample time to both sections to prepare the heads on which they wish to negotiate and to come to a common agreement, but it will certainly have the effect which we expect it will have in that it will improve the atmosphere in which these questions will be studied by the Burmese people. Sir, the people of Burma are new to self-government, and with such rights as they have under a constitution which is deficient, and guided as they are largely by a theocracy which has no experience of world conditions, have not yet realised,—and it is my object today to stress this point,—and a notice which we shall give will make them realise,—that if they want suitable terms from other people they have to base their demands on a basis of give and take and that they cannot expect perpetual favours of the kind which India is giving by these

trade regulations orders and continue them for ever regardless of the conditions which they establish in their own territory for Indian nationals. Sir, the position of India has also undergone a change during the period that this Order has run. With regard to rice, of which India takes 11 crores rupees worth from Burma, India is the largest customer, as she is taking about 45 per cent. more than what goes out to the rest of the world, and yet complaints have been heard in this House that the price at which Rangoon rice is dumped in this country is very low, and that it is depressing the price of local rice in India in such a manner that something will soon have to be done. I was referring to the deterioration of prices in India during the last two years,—there are many reasons for it and I shall not go into all of them now,—but one of the reasons is certainly very definite, namely, the defective selfish monetary policy pursued by the Government. In any case, we cannot have a free import of rice into this country from Burma regardless of the effect of such an import on the prices here and on the condition of the peasants who are growing rice in India. Rice, Sir, I maintain, is engaging the activity of a larger number of the rural population in this country than any other article of agricultural produce.

Then, Sir, take the question of kerosine, petrol, lubricating oils, candles and other products of mineral oil. Here also, the position, as far as I have been able to ascertain, is that there is a possibility of producing mineral oil in this country in large bulk. The concessions in respect of these are being held by certain companies who are operating in Burma, and these concessions are not being utilised, that is to say, those companies are suppressing those concessions because they find it more convenient and more profitable to go on producing elsewhere. I will not detain the House by mentioning that there are deeper financial considerations in the oil business including the one which I mentioned to this House before, which has not been contradicted by the Government of India, namely that the Government of the United Kingdom holds controlling interests in some of these oil companies and in the exploitation of this country with regard to the sale of kerosine, which is the poor man's fuel, and of petrol, which is used by practically all classes.

Then, Sir, with regard to teak, the same is the position. India has enormous resources both in the Andamans, in Assam and on the Malabar coast, and I say that the exploitation of these resources is being unduly hampered partly by the retrograde rates policy of the Government and partly also because of the fact that very cheap timber is coming from Burma . . .

Mr. President (The Honourable Sir Abdur Rahim): Today being Friday, the House will adjourn now. The Honourable Member can resume his speech after Lunch.

The Assembly then adjourned till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Mr. Manu Subedar: Sir, I was saying at the time, when we rose for lunch, that India need have no apprehension if the trade regulation Order

[Mr. Manu Subedar.]

came to an end tomorrow, but so far as the Burmese people are concerned, it would be good to warn them that it would be suicidal for them. They cannot afford to offend or to lose such a customer as India, judging merely from the business point of view. In a leader on this subject, the *Statesman* wrote the other day that at the root of the difficulties between Indians and Burmans in Burma there are economic topics. I make bold to say that the economic advantages which the Burmans are getting out of this sort of disturbances which they have adopted or they might get by continuance of this sort of thing, would be a fleabite compared to the harm which would come to them from the displacement of Burmese trade of such serious volume with this country. What we want is a trade regulation by means of a treaty in which the true representatives of a free Burma and the true representatives of a free India sit together. Unfortunately, it is the presence of the third party which does, I am told, no good either to the Burmans or to the Indians. The Englishman claims to be the friend of the Burmans in Burma, and therefore, somewhat unfriendly to the Indian population there, the bulk of which are Mussalmans. The Englishman claims to be a friend of the Mussalmans in this country. The Englishman claims to play many roles and it is, for the Englishman to satisfy his conscience over this. All I say to the Burmese people is that we have no quarrel with the Burmese people; their historical calamities came from the ambition of England, and that we have no aggressive designs towards the Burmans. Indian capital and Indian labour have built up the prosperity of Burma and I would tell my countrymen who are in Burma to obey scrupulously every law which the Representative Assembly of Burma passes for the benefit of Burma. I would tell them to be good citizens there. I would say that you go and identify yourself with the life of the country in which you are living so much so that in case there is any difficulty between India and Burma in future, I want the Indians in Burma to speak for the Burmese country, the country of their adoption.

The ill-treatment of Indians abroad is a very old topic in this country, and Sir Girja Shankar Bajpai has been doing his best to explain why matters could not advance further than they have advanced. But it is curious that, as we come nearer home, the ill-treatment becomes acuter as in Ceylon and Burma now. But let it be understood that on the question of Burma it is not merely the representatives of the people speaking from this side, but it is also the Government of India who is not going to take matters lying down. If I understood aright the speech of the Honourable Sir Jagdish Prasad the other day, Sir Jagdish Prasad, who is regarded in many quarters as a very mild and inoffensive person, uttered a note of warning that if matters were not mended soon, retaliatory measures would have to be taken, and I expect the Government Benches today to corroborate that statement. Sir, as regards Indians in Burma, there are a certain number of them who have never seen this country, who have been born there. There are a very large number who have married Burmese and who have made Burma their home. I want the Burmese people to see whether they cannot make an effort to absorb the Indians. But they should not expect that at the cost of self-respect India will leave her nationals in the condition in which they are and continue to give economic benefits under a trade regulation order, which benefits Burma no longer deserves at our hands. The Government of Burma and the Burmese people must

realise that the minority problem offered by the Indians is a difficult one. Whatever other solution there may be, let me make it clear that *goondaism* and violence cannot solve any problem at any time under any circumstances.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member's time is up.

Mr. Manu Subedar: I will finish in a minute. All I want is that the Burmese people should not adopt the solution of the Indian minority problem, a model of which has been given by Herr Hitler in Germany. A few hundred thousand Indians in Burma are not like the few hundred thousand Jews in Germany, nor has Burma got 70 million dominant Germans with a vast army behind them. It is also a futile method as time will point out both in the case of Indians in Burma and in the case of Jews in Germany. What has happened is that Government has failed in Burma as the remarks of Sir Archibald Cochrane, the Governor of Burma, show this morning. Sir, I will only conclude on the note that section 160 which gave authority to His Majesty by Order in Council to regulate this matter expires as soon as this order terminates. This is one more constitutional reason why we want this order to be terminated so that any new treaty may come to this House for ratification and that should be done in an atmosphere of self-respect and reciprocal advantages to the two countries.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): It was my good fortune in the year 1915 to have gone to Burma and to have been there for about 27 days. Again I had to go there in connection with an educational institution. I have been up to Prome both in Lower Burma and in Upper Burma, and the conditions in which I found the people living there were so very good and the relations between Indians and Burmans were so very cordial that one could really admire the position Indians occupied there. Trade was very much in the hands of many of my own countrymen, Indians, and, especially, I found that there was one trader and merchant who was a Muslim, but he has now gone to pieces. He was there and he had bought in those days all the German trade that flourished in Burma in those days. From all these things I found that the trade was in a flourishing condition so far as the Indian trade was concerned. It is horrifying indeed to read the descriptions we have received in India about the present conditions in Burma. One has to find out and trace the origin of these disturbances.

Sir, conditions in Burma are getting worse and worse every day. The Phongyis are ranged against the Indians and the Burmans are cutting the throats of Indians. We find that there is something wrong in the Government of Burma. From the speech made by Sir Jagdish Prasad on the floor of this House, the other day, one could not but infer that the accounts we read in the papers are absolutely correct. The adjournment motion in this House was carried and Sir Jagdish Prasad went to the length of saying that if conditions do not improve retaliatory measures will have to be taken. That shows that the Government of India is cognisant of the facts but the Government of Burma does not seem to be taking effective steps. We read in the papers that on the 9th February His Excellency the Governor of Burma in his address to the Legislature of Burma said that if the ministry failed to enjoy the confidence of the Legislature it would

[Mr. Muhammad Azhar Ali.]

become his duty to follow the directions given in the Instrument of Instructions and that, so long as Ministers retained the confidence of the Legislature, they are assured they will have the support of the Governor and his efforts will be directed in a constitutional manner towards assisting them to carry out the policy which they advocate. Now, Sir, the Governor also gave a sort of warning to the Legislature that if conditions did not improve he will have to take action under the Act of 1935. That shows that conditions in Burma are getting worse and worse. Conditions in our own provinces are much better. Law and order is in the hands of Burmans and still you find that they are not managing it properly and they are not able to save Indians. It is not possible for the Indians to live in safety and comfort to carry on their trade.

Economic conditions are not very satisfactory in India. Prices are falling. Cheap stuff is brought from Burma. If the trade agreement is ratified by this Government, then cheap stuff will come in here and we know what will happen. We have had to protect wheat and sugar. Copra and rice are asking for protection. At the same time, we find that rubber and tea are under restriction of export. Under these conditions if cheap stuff comes from Burma we are bound to lose. The trade is under the Order in Council and if the treaty is ratified by this House or the Government of India, conditions will become worse and worse. All this ill-treatment of Indians is due to certain cliques. It is very difficult for us to say whether the cliques are between the European Community and the Burmans. One cannot say what is the real state of affairs. Unless more effective steps are taken, then the life of the Indians will not be safe in Burma. Burma has become like a colony and we thought that conditions in Burma would improve but we now find that the conditions have not improved at all in spite of the rise in the status of Burma. If we are forced to enter into an agreement with Burma, I am afraid we will be the losers. When we read that our Provincial Governments are floating loans and taking steps to improve the conditions in the provinces, we are surprised how the House of Representatives which has got more powers is not even able to control law and order. Under these conditions, I would ask the House to pass this Resolution. Sir, I support the Resolution.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I share fully the two previous speakers' feelings of indignation about the recent happenings in Burma but at the same time I should say that this particular Resolution has not been framed in any spirit of hostility. So, I would like to read the terms of the Resolution itself so that it may be judged on its merits:

"That this Assembly recommends to the Governor General in Council that notice be given on the 1st April, 1939, to the Governor of Burma for the termination of the India and Burma Trade (Regulation) Order"

That is the first part. The second part is:

"that steps be taken in consultation with the leaders of parties in this Assembly for the negotiation of a fresh trade agreement with Burma"

and the third part is:

"that any settlement that may be arrived at should be subject to ratification by this Assembly."

There is in this Resolution nothing savouring of hostility to Burma nor is the prime object of this Resolution any sort of revenge or any undue interference with the trade between Burma and India. In spite of all that has happened, geographically and in other ways, Burma is inextricably bound up with India and we do not want the feelings of hostility to spread either from here or from there. This particular order was a transitional order and I should like the House to concentrate on the terms of this order. It was issued "with a view to preventing undue disturbance of trade between India and Burma in the period immediately following the separation of India and Burma" and "with a view to safeguarding the economic interests of Burma during that period". Now, Sir, I should like the House to mark the one-sided arrangement. It is not for the purpose of safeguarding the interests of India. It is with a view to safeguarding the economic interests of Burma during that period.

Now, Sir, Burma has a very favourable balance of trade of over 15 crores of rupees a year in the trade with India. Therefore, if the trade negotiations had been started on the 1st April, 1937, the Government of India would have been able to insist on greater preferences for Indian goods than they have been able to do. In view of past historical associations, it was considered advisable not to interfere with trade on the date of separation but there can be no valid reason to persist in the order which, as I have said, was made "with a view to safeguarding the interests of Burma" and it is time that the economic interests of India were also considered in an equal measure.

Then, again, take clause 4, Part II:

"The duties levied in British India immediately before separation on goods imported into British India from places outside Burma and India may only be reduced or abolished with the previous consent of the Governor of Burma."

Therefore, this order gives the power of veto as it were to the Governor of Burma on our own tariff arrangements; even with reference to our trade relations with foreign countries this Governor of Burma is given the power of veto and certainly it is not desirable and self-respecting on the part of this country to allow this situation to persist a moment longer than necessary. Then take clause 8 of part III:

"A duty may be imposed in Burma on rice exported to India not exceeding that imposed on rice exported to other countries."

But we have no power to put in an import duty on Burma rice. Suppose there is a widespread famine in India, then it is open to the Burma Government to put on an export duty on Burma rice and India is bound to take Burma rice in spite of the export duty, but, on the other hand, when rice is cheap, the Indian Government cannot say that "in order to raise the price level of Indian rice, we shall impose a small duty on Burma rice"! Sir, there cannot be a more one-sided arrangement than this. This order which is so one-sided was done to placate Burma, separated totally against our will and largely against Burma's will also; naturally, the British vested interests have got great stakes in Burma, and they were anxious that they should have some breathing time before they can readjust themselves to the separation. Sir, what has happened has happened. Now, it says that for three years it should not be disturbed but this order will continue to be enforced, unless you give one year's notice and the earliest date on which you can give notice is the 1st April, 1939, and, therefore, this Resolution has been tabled. There is nothing in it to which the Government of

[Mr. K. Santhanam.]

India or the Government of Burma can reasonably object. Again, this order was imposed upon us by the Secretary of State and if this is terminated the negotiations will have to be undertaken by the Government of India. This will bring about a very healthy and necessary psychological reaction on the part of the people and the Government of Burma. Now, they feel, as it were, that the whole thing has been arranged for them and they need not bother to cultivate good relations with the people of this country, but on the very day that notice of India's termination of this agreement is given, they will realize that their entire economic future depends upon cultivating goodwill towards the people of India and I am sure that they will be much more reasonable than they are today.

Sir, I should like to draw the attention of the House to one or two economic facts about this order. Sir, the total production of rice in India is to the order of 26 million tons and we get from Burma annually an amount ranging from one to two million tons. Though it is a small fraction,—it is only five per cent. of the total rice produced in India,—yet its reaction on the price of rice in India is very great. As the Honourable the Commerce Member and other Honourable Members know, the bulk of the cultivators of India are rice producers, and unless they get a minimum price level, the whole purchasing power of the people of India will be considerably diminished, and, therefore, also all our industrial and every other kind of development arrested. It is sometimes argued that if we give a little protection to our rice or wheat, the industrial classes will suffer. This will be true only if the industrial population is numerically as large or larger than the agricultural population. India has no foreign markets; her entire market is within her own borders, the consumers are agriculturists and unless agriculturists can get a fair price for their produce, there can be no market for the industrialist. Though there will be a time-lag of one or two years, finally all industrial activity and the standard of life of the industrial labour will be affected if the price of agricultural products falls below a certain level. Then again, India imports 65 per cent. of the petrol produced in Burma and 62 per cent. of the kerosene produced in Burma. Sir, for the last two or three years we have been trying to find out from the Government why petrol should be sold at such an extortionate price in this country while the people cannot afford to pay it, but the Government of India have never cared to take the public into their confidence. The real reason is that we have no control over the oil which comes from Burma, we have no power to put in any kind of duty or impose any kind of restriction on petrol coming from Burma, and so long as this situation continues, this unfair exploitation of the people of this country cannot possibly be checked. So if for nothing else, at least for the purpose of control of petrol and kerosene prices there should be the termination of this order and negotiations should be started. From the point of view of the Indian Budget also the termination of this order will do a great deal because even the imposition of ordinary revenue duties will probably give two to three crores to the Indian exchequer which can be passed on to the Provincial Governments, if the Government of India really want to help the Provincial Governments. From all these aspects it is very desirable and necessary that this order should be terminated and negotiations should be started.

Now, I would like to say a few words about the last two parts of this Resolution before I close. Sir, it is no use merely to give notice of termination and then for the Government of India to start negotiations in their

own old-fashioned way. They should take, first the Leaders of the House into their full confidence regarding the procedure and the objectives. When once they decide the procedure and the objectives, they should negotiate an agreement and place this before the Assembly and take its ratification before finally concluding it. If they proceed to do these two things, they can be certain that the new trade agreement will start under good auspices and the relations between India and Burma would be better regulated; otherwise the existing relations would only be worsened if the Government do something autocratically and then we have to fight the Government of India so much so there will be a sort of triangular fight over this trade agreement. Such a thing should not be attempted; and, therefore, I would urge that the House should unanimously accept this Resolution with all its parts. The first part of the Resolution urges that there should be a termination of the existing Order. The second part urges consultation with the Leaders of this House before any negotiations are started and the third part urges final ratification by this Assembly of any agreement that may be entered into. With these words I cordially support this Resolution.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, during the last two months we have twice discussed the question of Burma. It was clearly brought to the notice of the Treasury Benches that the case of the Indians in Burma requires to be safeguarded. We repeatedly drew attention to the fact that the Government should do something for the poor Indians who are now in Burma. Our Government, however, paid very little attention to our repeated request and they said that they were not in a position to do anything substantial except appointing an Agent which they did after a good deal of pressure from this side of the House. Now, on both these occasions, we laid great stress on the fact that the next step which they ought to take is to bring pressure upon them and to threaten the termination of our trade agreement with them. We all know and I think the Government cannot deny that this trade agreement is entirely for the benefit of Burma. It is not in the interests of India. Burma, no doubt, was developed by Indian capital, Indian labour and Indian brains and at the time of its separation we were very anxious that we should give assistance to Burma. But the way in which they have treated us and the way in which the Government have looked after the interests of Indians in that country has compelled us to use other methods besides persuading the Government to do something for us in order to safeguard the interests of the Indians in that country. Therefore, it is very desirable that we ought to tell the people of Burma that this trade agreement, which we agreed to in the interests of Burma itself, ought to be revised for this main reason that their treatment towards the Indians is not good. Now, this is really one weapon which we want really to use and if it will not succeed and the dissolution of the trade agreement will not achieve the object which we have in view, then we will have to use other methods which I need not discuss at present moment. But my argument for pressing this measure is not so much on the intrinsic importance or the merit of the case but mainly to show our anger that we are not satisfied with the treatment which that Government has accorded to the people of India. If we did away with this agreement, I am confident that it will be for the advantage of Indians. There is one great commodity which we bring to this country from Burma and that is rice. Now, we have seen from the example of wheat that by putting a small import duty

[Dr. Sir Ziauddin Ahmad.]

on Australian wheat, the price of wheat immediately went up to the advantage of the Indian cultivators.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Did the Honourable Member call the duty small?

Dr. Sir Ziauddin Ahmad: I call it a small duty, because, at the very outset, we had advocated from this side an import duty of Rs. 2-8-0 but the duty actually levied was only Rs. 1-8-0. If we stop the import of rice altogether from Burma, the price of the Indian rice will go up to the benefit of the Indian cultivators. Therefore, even my Honourable friend, the Commerce Member, will not deny the fact that if we announce today that no rice will be imported in this country from Burma, the price of rice of this country will go up and it will be for the benefit of the rice-growing population of this country. We have done something for the benefit of the wheat-growing cultivators of this country and it is very desirable and we had been pressing it from this side of the House that something ought to be done for the rice-growing cultivators of this country also. What I want to press is that in case the trade agreement is terminated, it would not be to the disadvantage of this country. On the other hand, it will be to the advantage of this country. We are pressing this not so much for the economic advantage of the country as in the interests of the people of this country who reside in Burma.

The second advantage that we can derive is in the case of petrol. If we stop the petrol of Burma altogether from coming to this country, I am sure we will be better off than we are at present in spite of the fact that we are not producing petrol and kerosene oil in sufficient quantity which is necessary for the use of this country and we will have to import it from other countries. I think our experience has shown that the petrol which is imported from Persia, Russia and other countries is sold cheaper in Delhi, Calcutta and Bombay than the petrol imported from Burma. I am not going to discuss the causes at present, but this much is certain that if petrol is stopped altogether from Burma, it will be to the advantage of this country. I should like to say one thing more in this connection. If our Indian Government had the courage, which I doubt they have, to stop altogether the petrol of Burma from coming into this country then the importers of Burma oil will put a pressure on the Home Government, and the Secretary of State, under the pressure from these oil magnates, may do justice to us. This measure will be much more effective than the pressure of our Honourable Members who are sitting on the Treasury Benches.

Mr. Manu Subedar: But the British Government themselves are the shareholders in the Burma oil.

Mr. F. E. James (Madras: European): No.

Dr. Sir Ziauddin Ahmad: I do not care who the shareholders are but one thing is certain that the moment we decided that in the interests of the Indians who are now residing in Burma we are going to stop the import of all articles from Burma and will have nothing to do with Burma so far as trade is concerned, I am sure, there will be some kind of pressure

brought to bear on the Home Government from different sources to secure that the Indians do get justice in that country. It is certain that if an Englishman had been treated in any country in the same manner as the Indians are being treated in Burma, then they would have boycotted every article coming from that country. I think the feeling in this country is becoming stronger against Burma and if our Government slept over the matter and did nothing, then the people of this country will begin to boycott all kinds of articles coming from Burma. That is what will happen ultimately if the Government did nothing in this matter. If our relations with Burma had been normal and if they had given us a fair treatment, probably we would not have minded to press for the cancellation of this agreement. But we want to use it as a lever to get our wrongs redressed and that is the only thing we can do. If our own Government did nothing in this matter, then I am afraid the feelings in this country will become stronger against Burma and the people themselves will have to use their own methods. With these words, I support the motion.

Mr. F. E. James: Sir, I shall only take a very short time to express one or two observations. If the Resolution is being moved on the grounds of its being used as a weapon to force the Burma Government in regard to the position of Indians there, then we are opposed to it. I understand from the Mover of the Resolution and from one or two other speeches that have been delivered that that is not the real purpose of the Resolution. Unfortunately, the purpose of those who have sponsored the Resolution is bound to be read in the speeches which some of them have delivered and there is in these speeches undoubtedly a note of threat, namely, that this method should be used as a weapon to deal with the Burma Government in relation to the situation of Indians in that country. I frankly believe that it is the wrong method of approach just now. I know that there are certain circumstances when it is perhaps justifiable to use trade relations as a weapon in regard to other relations with another country. But I do not believe that those circumstances have arisen in Burma today, nor do I believe that the position in Burma justifies the threats which have been uttered by Honourable Members in support of this particular Resolution. Anyone who has studied the position of Indians in Burma and who has looked into the report that has recently been issued—the interim report—knows that the whole position is a very complicated one. Honourable Members who have any knowledge of Burma, whatsoever, ought to know that any suggestion of the use of the trade agreement as a weapon with which to force certain circumstances upon Burma would be very greatly resented by the people of Burma. There is no doubt about that. The people of Burma are as sensitive as the people of this country.

The Honourable Sir Muhammad Zafrullah Khan: Very much more.

Mr. F. E. James: I did not want to put it on too high a plan. They are as sensitive as and perhaps more truculent than the people of this country. I do not think it is in the best interests of the Indian community in Burma that this kind of threatening attitude should be used in this country. We are not convinced that the stage has been reached when the effort to understand the position in Burma should be abandoned by the people of this country. I am quite aware of the warning issued the other day by the Honourable Sir Jagadish Prasad and I hope that his words will

[Mr. F. E. James.]

carry weight in Burma. We have seen in the newspapers this morning the speech delivered before the opening of the Parliament of Burma by His Excellency the Governor and the unmistakable warning which he issued there in his capacity of Governor to the Government of that country. The situation is much more under control than it was last July or August and it seems to me that the new Government of Burma should at least be given a trial or, if not, should be allowed to give way to a Government which perhaps might be strong enough to deal with the situation. But we are definitely opposed to the use of this trade agreement as a means of threatening the people of Burma. My Honourable friend, Mr. Satyamurti, the other day, in the course of the discussion on the adjournment motion uttered very wise words about the importance of the Indian community in Burma seeking to secure the goodwill of the Burmans. Well, I suggest to him that if this trade agreement is used as a weapon, it is surely using a weapon which is not likely to conduce to that kind of goodwill that he desires the Indian community in Burma to secure from the Burmese people. It is trying to enforce goodwill with the aid of a big stick. As far as economic justification for the termination is concerned, we have heard some very interesting figures from my Honourable friend, Mr. Manu Subedar, and a point of view which was, if I may say so with great respect, extremely well put by my Honourable friend, Mr. Santhanam. We ourselves do not at present see that there are strong economic grounds for notice of termination immediately. There are obviously adjustments which are desirable and if those adjustments require technical notice of termination, then that notice should be given. But we do feel that any revision of this agreement should be undertaken with the greatest possible care. We would prefer the continuation of the Customs Union between the two countries.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): On the same terms as now?

Mr. F. E. James: It seems to me that India has gained a great deal as a result of this Customs Union. There is no doubt that India
 3 P.M. has captured the Burma market for piece goods and for many other articles which India now produces and a revision of the agreement on the basis of mutual preferences might conceivably mean that India would have to sacrifice much. At the same time it must be admitted that Burma is losing in customs revenue as a result of this free Customs Union. It is not an easy conclusion to arrive at. This Order in Council has been promulgated by His Majesty in Council and, therefore, if it is terminated, India and Burma would enter into negotiations for a new agreement which is better than this one for both countries. I think a good deal of caution is required in entering into such negotiations.

Now, Sir, I would say one thing and that is if it is agreed that notice of termination should be given and if negotiations as a result are entered into on both sides, then, obviously, it would be difficult to exclude all considerations relating to the condition of Indians in Burma from those negotiations. But I still maintain that owing to the close connection between these two countries, from an economic point of view, the sound principle is, as far as possible, to maintain as free a trade between these two countries as we can.

In regard to the minor point in the Resolution, namely, that notice of termination should be given and then that negotiations should be undertaken in consultation with Leaders of Parties in this Assembly, we would prefer that instead of Leaders of Parties, there should be consultation with the interests mainly concerned, *e.g.*, representatives of Chambers of Commerce and industry. As far as the last part of the Resolution is concerned, we are perfectly consistent when we say that we do not recommend that part of it to the House because, obviously, it would be not only difficult but also improper for the Government of India, in its present constituted state, to commit themselves to obtain the ratification of any agreement entered into with another country by this House before it is concluded. Therefore, for these reasons, we are not able to give our support to this Resolution as it stands, and I hope the House will understand the point of view I have endeavoured to explain.

Mr. M. Thirumala Rao (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural): Sir, my two Honourable friends who have preceded me from my Party have explained the economic aspect of the Resolution and I do not know why my friend, Mr. James, finds any difficulty in giving his support to this Resolution, if he has agreed with the arguments advanced by my two friends of our Party. While expressing his opposition to the whole Resolution, he has emphasized his disagreement, part by part, for reasons which are not quite conceivable. Apart from the political issue involved just at the present moment, for such of us who have carefully listened to the speech of the Honourable Sir Jagadish Prasad, there is a warning, a very mild and diplomatic warning in that speech that trade relations between Burma and India have to be reviewed and a sort of implied threat is also contained in it that if Burmans do not behave properly and if the life and property of Indians in Burma are not safe, these relations may have to be cut short. Anyhow, some of us who have heard the speech thought that for a Member of the Government of India, it was quite satisfactory from our point of view.

The adjournment motions which have been recently discussed here and in the Simla Session once more emphasize that whatever may be the economic aspect of this order, it is also politically up to the people that are responsible for the nationals of this country abroad that they should review it in that light. There is the provisional draft of the Burma Trade Regulation Order and along with it we have also got the provisional draft of Burma-India emigration order and these two were passed at the same time by an Order in Council and these two have got the same life. That means, in order to have a continuity of policy governing the relations between Burma and India and in order not to have any violent disturbance of conditions existing at the time of separating Burma, these two orders have been passed. But now we are in the year 1939. Burma has seen an independent Ministry responsible to the elected representatives of the people for two years. In India also all the provinces are being run by responsible Ministries. Now the conditions have considerably changed and the responsibility for the people of the respective provinces that have gone there to Burma either as businessmen or as labourers largely devolves upon the Provincial Governments also. In this respect the Government of India have divested themselves of large powers which they were hitherto wielding. The only power left in the hands of the Government of India when the situation has not improved for a considerable time is with regard to the

[Mr. M. Thirumala Rao.]

trade agreement. This is the weapon in their hands which they should not hesitate to use.

Whatever may be said by other speakers, I should like to look at this Resolution from the political point of view, because the time has come when you cannot go on arguing with people who are determined somehow or other to expropriate Indian interests in Burma. As long ago as in the year 1932 when the question of the separation of Burma was discussed in this very House Mr. John Tait, the then European representative of Burma in that Legislative Assembly, said:

"It will preserve an atmosphere of discontent against what is called the peaceful penetration of Indians into Burma; parties of irreconcilables will come into existence distracting the attention of the people and the country at large from the main consideration", etc.

Parties which were suspected to have been in existence as early as in 1932 have strengthened themselves today. All the students, women, the phongyis,—every political party in Burma is now up against Indians. They are so organised that they are able to demoralise the existing ministry. Even the Premier there is not able to come to the rescue of the people to safeguard their life and property. In a communique issued by the Government of Burma he said that he is allowing the utmost latitude of speech and association for all these associations consistent with the safeguarding of the national consciousness of Burmans. The situation is so bad that all the violence that has been used is being, though not tacitly supported, in a way, acquiesced in by the most responsible man who is in charge of law and order in that province. Therefore, what I suggest is that whatever considerations might have been there from the economic point of view it is not just that India should go on feeding this country with a trade balance of 15 crores a year in her favour. It is specifically said in the Resolution that not only will the agreement be terminated but that also steps should be taken in consultation with the Leaders of Parties in this Assembly for the negotiation of a fresh trade agreement. Evidently when trade agreements are entered into not only economic but political and other considerations enter into the field. This, as I understand from the wording of the Resolution, is also the plea for all the relations, economic, political and racial, that subsist between Burma and India, undergoing a review at as near a date as possible. And also as representatives of this Assembly, as leaders of public opinion, as elected people who represent responsible opinion in the country, Leaders of Parties in the House should be taken into consultation. The Government of India are not accustomed to consult the Leaders in any such affairs and it is a departure with which they may not be able to reconcile themselves. I can very well understand the opposition of Mr. James towards the consultation of this Assembly in any such agreement. Hitherto vested interests and foreign interests that have exploited Burma and built up huge fortunes in that country have been mainly behind the scene to do whatever they like with the Government of India; but once these trade agreements are brought before the searchlight of this House and are open to discussion and criticism, whatever lurks behind the agreements which are of a suspicious character cannot come in.

Sir, I do not want to take up much time of the House but we can very well understand the opposition of Mr. James and all his friends towards this mild Resolution. It was contemplated in the very order that the agreement may be terminated by 1940. It will expire on the 1st April, 1940,

whereas, the Resolution wants it to be terminated a year earlier, *i.e.*, on the 1st April, 1939. Where is the harm in that? I think this is the most proper time for us to review the situation. Whatever opinion others may entertain I feel the time has come when the Burmans should be made to understand that they cannot ruthlessly expropriate the interests of Indians and yet gain by the trade of this country. Sir, I support the Resolution.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I have considerable sympathy with the points of views to which expression has been given by those Honourable Members who have spoken in support of this Resolution. Two lines of argument have been pursued in support of this Resolution, one, the political line and the other the purely economic line. Now, with regard to the first if I said anything I would be trespassing into the field which properly belongs to my Honourable colleague, Sir Girja Shankar Bajpai. There is another reason for not taking up too much of the time of the House over that issue and that is that that matter has been separately debated only very recently in this House. I was myself in Burma for a few days in the early part of the year 1936 and I was delighted to observe the cordiality of the relations between the Indians and the Burmese people; and it came as a very great shock when recent developments revealed the degree of the deterioration of those relations. Sir, I have felt as much indignation and as much horror over the recent happenings in Burma as anybody else in this House. I have a very great deal of sympathy not only with the people, whether Burmans or Indians, who have suffered in these happenings but also with such of our people who have to carry on under very difficult conditions just now in Burma. But, Sir, we must not forget that, as Mr. Santhanam has pointed out, the relationship between Burma and India and between the people of Burma and the people of India is not a temporary one. Let us hope that what has recently happened was an isolated instance of impulsiveness and excitability on the part of a section of the Burmese people. We know the Burmese people are rather impulsive but there is behind this a long tradition of friendliness and co-operation between the two peoples. And I am glad, Sir, that the speeches on this Resolution have been such that nothing has been said which might make more difficult the restoration of friendly relations between these two peoples in Burma. On that I shall say no more.

I now come to the purely economic aspect of this question; and though some extreme suggestions have been put forward, the adoption of which would defeat the very purpose that this Resolution has in view, I may say this: that there is very little on the purely economic side with regard to which there can be much controversy. If I am unable today to give a categorical assurance with regard to the different parts of the Resolution, it is for the reason that the matter is under the active consideration of Government and it would be premature to announce anything before a final decision is arrived at. But let me say this: that though on the one hand it will not be denied even by Mr. James—I doubt whether it will be denied by anybody in Burma—that Burma has done very well out of these arrangements which we have been discussing here, yet the picture is not altogether so blank on the other side as has been tried to be made out. It is true that the balance of trade is heavily in favour of Burma; but what is that balance mainly composed of? Out of the total trade of Burma with this country which amounts to over 25 crores of rupees, well over 20 crores is represented by the imports from Burma of rice, petrol, silver and kerosene. Let me take the question of rice which has exercised the minds of Honourable

[Sir Muhammad Zafrullah Khan.]

Members considerably. They have given expression to their anxiety on that score not only today but on several occasions during question hour. Our total production of rice in this country amounts, on the average, to between 26 and 27 million tons. But that quantity is insufficient for the requirements of the growing population of this country. We are, therefore, compelled to import quantities of rice from other countries, mainly from Burma and that import now on the average amounts to about a million and a half tons. The proposal is that we should impose some duty on this mainly with the object of raising the price of rice inside India. It is too late today to assert that we have never imposed any duty on articles of food, because we have in the case of wheat and in the case of broken rice imposed duties on food grains; but those are clearly exceptional cases. Broken rice, which is a by-product of the rice milling industry, and in other countries is put to industrial uses, in this country competes actively with high grade whole rice, and it was found that it was being dumped into India as a by-product and it may very easily be dumped into any country, and, therefore, it was found necessary to impose a duty on broken rice. With regard to wheat, our crop of wheat is ordinarily in normal times sufficient for the requirements of the country. We, sometimes, as a matter of fact, when the parity allows, are in the position of an exporting country with regard to wheat. A duty has been imposed on wheat at such times when prices outside have fallen so low that there is danger that if imports of wheat were allowed they would depress the prices much below the economic or remunerative level. With regard to rice the position is not the same. I am not arguing that no action in that direction is possible. I am merely explaining the position to Honourable Members so that they should have the whole picture in their minds when they are considering this question. With regard to rice, as I have said, the produce in the country is not sufficient for the needs of the country

An Honourable Member: Only by five per cent!

The Honourable Sir Muhammad Zafrullah Khan: It is all very well to say only five per cent; but let us look into the figures. $1\frac{1}{2}$ million tons must be brought from outside if there is not to be distress among the comparatively poorer population of certain parts of India. It is suggested that we should impose a duty. Let us assume for purposes of illustration that the duty is eight annas a cwt. That would mean Rs. 10 per ton; and on $1\frac{1}{2}$ million tons, the duty would amount to a crore and a half rupees. Who is going to eat that rice? Almost entirely the same people who produce rice in this country; and the proposal amounts, therefore, to this, that the people who produce the rice in this country should pay—it does not matter what would be the ultimate destination of that amount: at any rate to begin with it will form part of the revenues of the Government of India—should pay the extra crore and a half, so that the price of their own rice should rise a little bit, and they may be able to sell their own rice to themselves at a higher rate—a small quantity will go to other people, but, mainly, as I have said this rice is consumed and the import of rice is mainly for the consumption of the people who produce rice in this country. Now, I am not saying that that argument is conclusive by any means. But the essence of the argument applies and, therefore, the solution of this

question is not as easy as Honourable Members might be disposed to think from the mere citation of figures—so much is coming in and let us try to stop it

An Honourable Member: Who eats wheat?

The Honourable Sir Muhammad Zafrullah Khan: A good deal of wheat is eaten by other people also who are not cultivators themselves. . .

An Honourable Member: So is rice.

The Honourable Sir Muhammad Zafrullah Khan: Not to the same extent, I venture to think. But as I have said I do not want to develop so much an economic thesis as to point out certain factors in the situation which must be borne in mind.

Also there is this question to be taken into account to some extent; the effect of these measures in the purely economic field—not merely political irritation—on the very large number of Indians in Burma in whose interests a good deal of this argument has been urged, of measures to be adopted at this end. That again should make us pause and consider to what extent their interests might be affected lest we should do, in our efforts to help them, something which might have the contrary effect

Mr. K. Santhanam: They will only get better wages because of the rise in prices.

The Honourable Sir Muhammad Zafrullah Khan: The Indian population in Burma is not composed only of labourers: there are people who have extensive interests in the rice crop in Burma itself—owners and mortgagees of paddy land and people who carry on trade in rice in Burma. But, as I have said, the whole of this matter is under the active consideration of the Government of India, and I merely wish to emphasize the fact that it is not a simple question, and that there are several aspects of it which have got to be studied. The Government of India will make up their minds with regard to this question one way or the other before the date for giving notice arrives. They will seriously consider the question whether it would not be right to give an indication that they are anxious to discuss these matters with the representatives of Burma in order to make adjustments which may have become necessary in the interests of India. It will be for the representatives of Burma to look after the interests of their country. As I have said before, if I am unable to say more this afternoon or to be more precise and definite, it is for the reason that the consideration of this question by Government has not yet been concluded.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

“That this Assembly recommends to the Governor General in Council that notice be given on the 1st of April, 1939, to the Governor of Burma for the termination of the Indian and Burma Trade (Regulation) Order, 1937; that steps be taken in consultation with the leaders of parties in this Assembly for the negotiation of a fresh trade agreement with Burma and that any settlement that may be arrived at should be subject to ratification by this Assembly.”

The motion was adopted.

RESOLUTION *RE* CUT ON SALARIES OF GOVERNMENT EMPLOYEES.

Mr. Sami Vencatachelum Chetty (Madras: Indian Commerce): Sir, with your permission, I wish to move the third of the Resolutions which stand in my name. It reads thus:

"That this Assembly recommends to the Governor General in Council that a cut on salaries of and above Rs. 100 of all grades of employees of the Government of India be imposed with effect from 1st April, 1939."

Sir, I need not remind this House of the attempts on the part of the popular side from time to time to impress upon the Government the necessity of reducing the salaries of Government officials with, unfortunately, no effect. All this time the demand was based on the ground that such a reduction would save a lot of money in the expenditure of the Government of India and also incidentally in the expenditure of the Provincial Governments and that such savings could be utilised for other purposes of a beneficent nature to the general populace. While that argument stands, with as much force as when it was originally expressed, there are various other considerations, Sir, why such a reduction as is asked for in this Resolution should be immediately given effect to. There is no other country than India where the financial condition of the Government has no relation whatsoever with the economic condition of the country. In fact, it very often occurred that while the country was passing through acute economic distress, the finances of the Government in India showed enormous surpluses.

Sir, for a situation like that, I quite see that history has been largely responsible. We never had the benefit of a responsible Government in this country. The Governments from the days of the East India Company have been particularly designed and constructed more for the exploitation of the resources of this country than for improving the economic fabric of this land. It is, therefore, easily understandable why the richness or prosperity of the Government does not necessarily reflect the prosperity of the people, and if anything it reflects the contrary state of affairs. Sir, the bloated salaries which the Government servants have been enjoying have also their historical background. The servants of the East India Company who came down here came under the fear of grave risk to their life and property. They thought they were going to an uncivilized land notorious for Bengal tigers and cheetas and for tropical diseases against which there was no immunity. Moreover, their appetite or their greediness for money-making was greatly incited by the plenty of gold and precious stones which the former servants of the East India Company took back with them from this country. Naturally, they demanded very high salaries, and whether it was the East India Company or its successor the British Government, they thought that in order to establish their Empire in the East, they must satisfy the desires of their employees, to whatever might be the extent of those desires. They had further no hesitation in granting these high salaries for the mere reason that not a single pie came out of their pockets. It is human nature not to feel worried in spending monies which do not belong to you. Therefore, I do not blame either the East India Company or the British Government for having sanctioned such large salaries to their servants who, they thought, and the servants themselves also thought so,—were doing merely the Empire's work in this land. Sir,

it was after a considerable time that Indians were taken into the higher services. Indians who were qualified in English were only very few, and they naturally thought that Government appointments which carried such large salaries were desirable in preference to other walks of life in this country. Both the Government and some of the Indian parents spent considerable sums of money over the education of the boys, and they made them qualify for these Government posts. However, the Government did not on that ground treat the Indian employees on the same lines as their English confreres. But in a situation like that the sentiment of inferiority, of the necessity of rendering the same services as his contemporary did on a less pay got the better of the Indian, and he naturally agitated for equality of treatment with his European brother in the service. Sir, the public opinion was also in favour of such equalisation of treatment. As a result of that, there was a tardy recognition and the pay was equalised at least in some of the cadres of Government service. That is how we have come by these large salaries, absolutely disproportionate to the economic condition of our country or to the incomes arising from other walks of life in this country.

Then, there has been a reaction after these salaries came to stay, in that, if a person qualified for Government service was able to secure a thousand rupees at the end of ten years, naturally a person who qualified himself for law or for medicine or for any other profession thought that, as his class mate was getting in Government service so much, why he should not get also the same in his own profession. Therefore, they raised up their own fees. The fees that are current in law, the fees that are current in medical profession in this country are also abnormal but they have taken their cue from the bloated salaries of Government employees. It is thus that the social equilibrium, that the economic condition of this country has been violently disturbed. Persons who would have been most useful in commerce, in trade and industry, have been absorbed in Government service to the detriment of the material interests of this country. Their brains no doubt work in a particular way, but I am sure such brains as they possess, if they had been used in other walks of life, would have been productive of much greater good to this country than what they are able to do in the Government service. The best of the Indians in Government service is, after all, a subordinate to a European brother, whatever may be the presumption or the flattering function which the senior Government officers might lay to their own souls. That we can see every day and every minute. Therefore, they cannot really be responsible for any improvement or any new things, and even if they should become responsible their originality would have to stop with the putting up of a note to the senior officer.

I consider that the Government salaries have a disastrous and pernicious effect upon the economic condition of this country. So, it is not so much the quantum of saving that might result by this ten per cent. cut that worries me, as the restoration of the equilibrium of the social economy in this country. I know that with the reduction in the salaries of Government officials there will no doubt be a corresponding reduction in the standard of living in this country, but I think that God has come to our rescue in the depreciation of prices that we have had for the last series of years. There are other reasons why Government should now consider this question very carefully. They did not lose the opportunity of the increase of prices, but they at once appointed a committee to enquire into the incidence of expenditure of the Government officials, and added large allowances and

[Mr. Sami Vencatachelam Chetty.]

large accretions to their original pay. If the argument that was then adopted and accepted by the committee that the increase of prices justified an increase in the pay of Government servants—that argument must also be applied in support of this Resolution, namely, that the decrease of prices justifies a reduction in salaries.

Some of my friends think that putting up a figure as low as Rs. 100 might affect a large number of persons who belong to the middle classes. I do not think that there is much danger in putting it down to so low a figure as Rs. 100 for this reason. The man on Rs. 100 will always be able to spare Rs. 10 much easier than a man with Rs. 4,000 can, because the man with Rs. 4,000 a month has developed certain luxuries which by habit and custom have become almost necessities. I hope by cutting down some of those luxuries they will approximate themselves much nearer to the difficulties which the people of this country have to undergo in earning these sums of money and that will bring about a more reasonable frame of mind among the high *topiwallas* who boss over this Government of India. Sir, it is necessary that this retrenchment should be carried into effect. It may also be stated that there has been some cut in the salaries of the high officials of the Government by way of increased taxation, that is imposed under income-tax. It may be so, but then, while an increase in income-tax affects not only the Government officials but also other communities, the retrenchment that is asked for in this Resolution will affect only the Government servants. I do not ignore the fact that, so far at least as Indian officials are concerned, a large amount of their money is spent on Indian products. I know both by experience and by contact with other business men that the Indian Government official is the best customer for Indian goods, whereas the European officials generally pride themselves on the fact that they do not buy anything Indian excepting perhaps, Sir Frank Noyce who acknowledged that he always used to buy Indian articles.

Mr. A. Aikman (Bengal: European): They pay duties.

Mr. Sami Vencatachelam Chetty: The more common reason why there should be reduction in the Government salaries is that the money saved thereby could be utilised for nation building purposes in the provinces. That is an argument which has been repeated very often and I do not want to elaborate that point. It is gathered from the census reports that there are as many as five million people employed in public administration. If retrenchment is effected in their salaries, I am sure a corresponding number or even a larger number of people will be benefited by the money passing to them through the Government in the shape of beneficent activities. I do not see that there would be much difference of opinion with regard to the fundamental object of this Resolution, though there might possibly be some difference of opinion with regard to the graduation of the reduction or the minimum salary that should be left untouched. I, however, hope that the Government will consider the desirability of going into this question along with the popular representatives and see that a reduction is made. I quite realise that it is a hard thing for them to cut their salaries. If this Government is represented by responsible ministers I could say that their interests differ from the interests of the employees but this Government is carried on by the very employees whose salaries I want to touch.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

It is no doubt a difficult task but the Honourable the Finance Member, so far as the question of economy and so far as financial propriety is concerned, is reputed to be a very hard and impartial master and I hope that as a parting gift to this country he will see the impartiality and justice of the proposition I have supported. I commend the Resolution to the House.

Mr. President (The Honourable Sir Abdur Rahim): Resolution moved:

"That this Assembly recommends to the Governor General in Council that a cut on salaries of and above Rs. 100 of all grades of employees of the Government of India be imposed with effect from 1st April, 1939."

I find that notice has been given of an amendment by Pandit Maitra to the effect that the amount of money so saved be made available to the Provincial Governments in suitable proportions for expenditure in nation building departments. This clearly enlarges the scope of the Resolution. Therefore, it cannot be allowed. The Chair rules it out of order.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): I have got another amendment,—No. 3. I shall move it. Sir, I move:

"That for the word and figures 'Rs. 100' the word and figures 'Rs. 200' be substituted."

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the word and figures 'Rs. 100' the word and figures 'Rs. 200' be substituted."

There will be a discussion on this amendment as well as the Resolution.

Pandit Lakshmi Kanta Maitra: Sir, I am in perfect agreement with the Resolution so ably moved by my Honourable friend, Mr. Vencatachalam Chetty, but, Sir, while I agree with him in his arguments for imposing an all round cut on the salaries of all the different grades of Government servants, I am also sensible of the fact that the Resolution as it is, if given effect to, would mean considerable hardship to a vast body of public servants in this country who draw a salary of Rs. 100 and above but below Rs. 200. In the year 1935 when we came to this Assembly, during the budget discussion, when the Honourable the Finance Member restored the salary cuts, I pointed out that it was extremely unfair for the Government to allow the cut to be restored. I suggested that a gradual process of restoration of cuts might have been adopted, so that those who were in the lowest rungs of service would have been given relief, whereas those who are higher up would be compelled to contribute a smaller portion of their salaries in the shape of cuts to the State. It so happened that the Honourable the Finance Member was so apprehensive of the grumbles of the highly paid Government servants that he completely restored the cuts. The result is that today, after four years, we find that Government is faced with a deficit. The revenues of the Government do not show any upward tendency. By this Resolution, we want to focus the attention of the Government on the necessity of retrenchment and for that purpose to make a drastic reduction in the salaries of the higher officials in all departments, so that money may be set free for beneficent activities, or, to use

[Pandit Lakshmi Kanta Maitra.]

a phrase commonly used, for nation building activities. At the present moment, it is a common complaint that these so called nation building departments are absolutely ignored. They are starved to feed fat the police and the military and the other high salaried services.

An Honourable Member: Fat?

Pandit Lakshmi Kanta Maitra: Yes. Some of them are very fat. I shall make an exception in the case of the Honourable Mr. Maxwell.

When the salary cut was imposed a few years ago, two distinct classes of public servants were exempted from its operation, the military and the police. Honourable Members are aware that there was a good deal of resentment amongst the Government officials themselves that there was such an invidious distinction made between different classes of public servants by their common employer, the Government, that a certain class of officials were not called upon to make any sacrifice at all for the State, whereas others were compelled to sacrifice a portion of their income. Now by this Resolution we want to make it perfectly clear to the Government that we do not want this kind of invidious distinction to be introduced. We want the cut to be given effect to in all the departments of the Government. I have, however, an apprehension, and from my experience I might say it is a well founded apprehension, that this Resolution might give a handle to reactionaries to cripple only our own countrymen drawing moderate pay, by drastic retrenchment, whereas the higher paid services will be left intact. I, therefore, want to make it perfectly plain that if the Government really mean business, they should take courage in both hands and apply this axe to all grades, classes and conditions of service without fear of discontent, unpopularity or indiscipline among the ranks. Now, the question is, what should be the minimum wage for a public servant. That certainly is a question which admits of honest differences of opinion. It may be said that for the average Indian, Rs. 100 per month is just sufficient for him to carry on. It may with equal reason be contended that in these days for a decent family to have a decent living it should have more. A gentleman cannot be expected to adequately discharge his normal duties and responsibilities to his family and to the State with a pay of Rs. 100. After all, it will not do to forget that the children of these employees will be among those who will in future man the different offices in public life as also in Government services. So they must have excellent education and sound health. They must maintain a reasonably high, not very high, but a fair standard of living. We have to see that the next generation may have a suitable training and equipment so that they may be better fitted to shoulder the responsibilities of private life and public life. Sir, it is from that point of view that I am moving this amendment as I am of opinion that Rs. 100 is far too small an amount for a respectable Indian gentleman to carry on in this land. I believe that the worth of a man is not to be judged by the amount of salary he draws, but, after all, having regard to the conditions of mundane existence, having regard to the facts of modern competitive life, some minimum must be fixed which should not be touched in any way so that the morale of the administration, the morale of those who run it may not be impaired. This is why I want to fix the minimum at Rs. 200 by this amendment. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the word and figures 'Rs. 100' the word and figures 'Rs. 200' be substituted."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): Sir, this is not the first Resolution

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of its kind. A Resolution was previously moved by me requesting the Governor General in Council to reduce the total expenditure of the Central Government by ten per cent., and that was passed. Today, Sir, this is a very modest Resolution asking that a ten per cent. cut may be imposed on salaries above Rs. 100. An amendment has been moved by my Honourable friend, Pandit Lakshmi Kanta Maitra, that the minimum should be raised from one to two hundred rupees. I will come to that later on.

The point that the Central Government has to consider is how far the several Provinces which have been made autonomous have to function, and how they can be provided with sufficient finances to discharge their obligations to the public, particularly with respect to their nation-building activities. Sir, I cannot speak for all the Provinces in India, but I would only refer to the Province of Madras which is one of the biggest provinces, and which is the province which has the largest provincial income, *viz.*, a revenue of nearly Rs. 16 crores a year. Sir, in that province the major portion of the income comes from land revenue. Next comes the income from excise duties on liquor, toddy and *arrak* included. The third portion, to the extent of two crores of rupees income, comes from Stamps and Court-fees. These are the three main heads of the provincial revenue. So far as our province is concerned, prohibition has been introduced in more than three districts, and there is every chance of it being extended to the twenty-three districts. Sir, it is not a mere matter of sentiment with the Congress Government, but it is a matter of fact that prohibition has given an immense relief to the poorer section. The Honourable the Finance Member, who has been looking into a number of principles of taxation, should also take this into consideration,—*viz.*, that persons who contribute to the provincial revenue nearly four and a half or five crores in Madras, not to speak of other provinces, are the poorest in society. They drink toddy and *arrak* and they are taxed to contribute to the general revenues of the province. Sir, what justification, if they are allowed to manufacture a quart of toddy or *arrak*, which may not cost even two pice, can there be to pay for that quart nearly a rupee or a rupee and half? Sir, if it is considered a necessity for the poor, there is no justification to tax the poor and pay the rich for roads, hospitals, schools and other things for maintaining the various institutions which are now today daily catering to the richer section of the population? On that ground also, Sir, prohibition is absolutely necessary and justified.

Then, Sir, there will be a large cut in one of the provincial revenues. There was a famine hitherto in only a few districts in our Presidency. Now, that shows a tendency to increase, and many more districts are afflicted. Therefore, land revenue remission, which was granted last year; is also being granted this year, and, possibly, in the coming years also, much larger remissions in land revenue have to be given. The third item of income, Stamps, is also not likely to yield much on account of the trade

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depression in the world, and especially here in India, so that it is impossible to get on with provincial administration without imposing additional taxation or finding out additional sources of revenue. As regards additional taxation, there was a Conference held here possibly under the presidency of the Honourable the Finance Member with a view to finding out how best death duties could be imposed, and I do not know what the result of that Conference has been. That may not come to the large amount that may be required for running the administration of several provinces. Therefore, it is abundantly necessary that the Central Government should come to the help of the several provinces. Sir, they started well two or three years ago when the Honourable the Finance Member thought it fit to allocate a crore of rupees from the Central revenues for purposes of rural uplift, but unfortunately he did not pursue it later. Under these circumstances, it is necessary to find out some other source of income.

The Government of India Act, in one of its sections, I believe section 140, lays down that the Federal Legislature can, by a special Statute or Act, allocate the whole or any portion of the salt duty and the excise revenue to the provinces. The duty on salt with its surcharge is now yielding an income to the tune of eight and a half crores to the Central revenues; the other revenues, excise on sugar, petrol and matches come nearly to seven crores. The whole of that amount can be distributed to the provinces, but the Honourable the Finance Member has not chosen to put his finger in that direction. It is no doubt true that during the last Session he introduced the Income-tax Bill and if that came into operation from the 1st of April last year, that might give a small relief to the provinces, but it is surprising that he has not, in spite of repeated requests with regard to this aspect of the question, taken any action and why a ten per cent. cut on all salaries over Rs. 100 or if he thinks it necessary to raise the minimum to some amount, say, Rs. 200, why that cut should not be imposed? I would remind the House that when the cut was restored, his ground was that that was one of the pledges given when the cut was imposed. He will remember that along with that emergency measure a number of other emergency measures were adopted. Take, for instance, the surcharge on salt. There is a duty of one rupee and four annas per maund of salt, and, in addition, there is a twenty-five per cent. surcharge on that salt. Sir, salt is not a luxury, but a necessity for the poorest of the poor in this country. No doubt its incidence might sit lightly on the general mass, but all the same the question of the necessity of the continuance of that surcharge has not been tackled by the Honourable the Finance Member. Even the essential articles of food may be taxed provided the incidence is distributed over the masses of the population and it yields a large revenue. That may possibly be the justification for having a duty on salt. If the surcharge is also to be continued, let the benefit go to the provinces according to the proportion in which those provinces contribute towards that duty. No portion has been given till now. Nor has any amount been paid from the petrol fund. The Premiers have been asked that unless they do this or that according to the Motor Vehicles Bill, even this amount would be withheld from them. Why on earth the Honourable the Finance Member is so very particular to create a new set of heavenly things and wants to keep in that heaven those persons who get salaries over Rs. 200?

I know of a case in Madras. I am not prepared to state his name, nor is it proper that his name should be mentioned. This gentleman originally started on Rs. 300 in Government service. He is now getting Rs. 1,500 a month. He does not know what to do with the money. He drinks, and he pays Rs. 600 a month to the club month after month. Of course, there are necessities of life which should be provided, but a rich man cannot eat gold and you cannot throw dust into the stomach of the poor people. Barring those who go naked, the rest have got to be provided with clothes. One man can crop his head in one fashion and another man can grow his moustache and yet another man can shave his moustache also. Barring the minimum amount that is necessary for decent life, the rest contributes only a mental satisfaction. If a man wants to hoard, it gives him mental satisfaction that his bank balance is increasing, otherwise he will waste his money. He may ruin his own body by drinking and by committing all sorts of immoral offences. On the last occasion, I said that the Civilian officers ought not to be paid so much. I remember quite well that Mr. Lloyd, who was a Member of this Assembly at that time, said that Rs. 4,000 a month that they get are not being taken away to their mother country. Most of their money is being spent here, because they drink and do this and that. Therefore, is it right when there is not enough to eat in the country, that an expert be appointed to introduce a new kind of taxation in this country? I say that the circumstances of this country are considerably different from the circumstances prevailing in Western countries. All these taxes cannot be tried in this country. Let not the Honourable the Finance Member be under the delusion that the money that is raised by taxation is spent for the benefit of the country. It is being spent lavishly on the services. It is being spent for the benefit of the services. I ask the Honourable the Finance Member to lay his hand to his heart and say if he has tried to retrench in all possible ways and has tried to effect economies before asking the House to tax the people of this country in so many ways? It was but right that an emergency measure was introduced and an emergency cut was imposed, and, so long as that emergency measure continues to be on the Statute-book, there is no justification for restoring this cut. Technically, I can tell him that he has kept his pledge to restore the cut. But there is no more such a pledge and let him impose a cut once again. The provinces are badly in want of money for nation-building services. The Central Government tried to make an experiment in the art of nation-building services by spending money over public utility services in their own way by giving a crore of rupees. But he did not renew that grant and cut it short. He is, therefore, indifferent as to how the coffers of the Provincial Governments might be enriched by giving them more money from the Central Government revenues. It is a legitimate claim of the provinces, under section 140 of the Government of India Act, to get the whole or part of the salt duty and the duty on sugar and matches. That has not been done yet. Therefore, in the absence of such measures, I would ask the Honourable the Finance Member to consider whether the Resolution moved today is not just and proper. That is my first point.

My second point is that the Provincial Governments are very much in need of money for nation-building departments, and the Central Government must come to their rescue.

The third point is this. I know my people much more than the Honourable the Finance Member can know them, and, in my opinion, Rs. 200

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a month is more than enough for decent living in this country. Nothing more is necessary. If more than Rs. 200 a month is paid, then either it will be wasted or hoarded. The poor people are absolutely in want, and, therefore, the standards of living in Western countries ought not to be imported into this country. From that point of view, nobody will really grumble if a cut of 10 per cent. is imposed. Our popular Ministers have already shown by their own example that high officials can live on Rs. 500 a month. In the province of Madras, they have reduced the salaries of new entrants, and I am told that, even with regard to the I.C.S., and other services recruited by the Secretary of State, a reference has been made to the Secretary of State. The Honourable the Finance Member said not long ago that the reference to the Secretary of State is still pending. Possibly a new expert is required to deal with it, and it will be disposed of only when he returns to England. There is no reason why the pay of the Civilians or those persons who are recruited by the Secretary of State should not be reduced. So far as new entrants are concerned, their salaries ought to be reduced. Yet no attempt has been made in that direction. On these grounds, I support the Resolution so ably moved by my friend, Mr. Vencatachelum Chetty.

Mr. Sham Lal (Ambala Division: Non-Muhammudan): Sir, when a Resolution with regard to the salary cut is moved, it has never been dealt with on its merits. The Government Members think that it has been moved in a spirit of hostility, and that is one way of driving them out from India. Sometimes its economic aspect is taken. Of course, when income-tax is being raised and the law is being enacted for adding to the resources of the country, profuse sympathy for Provincial Autonomy and for rural uplift is shown. But when the question comes of touching their own pockets, that is, of course, a sacred thing and it cannot be touched. The position in that case is just like that of a lawyer whom we approached for some subscription for a charitable fund. We said: "Will you give us Rs. 200?" He said: "Don't you know I cannot give Rs. 200?" We said: "You can give us Rs. 200 out of your rent income which is Rs. 500 a month." He replied: "Oh, with regard to that, I have taken a pledge that I will never touch it." So, you may move any number of Resolutions for retrenchment, but so far as their salaries are concerned, you cannot touch them. Of course, they have got sympathy for India, and they want that there may be Self-Government in India. The Provincial Governments have succeeded and they wish them well. But their salaries cannot be touched. That is the position that is taken up by them. But my submission is that by drawing huge salaries you have demoralised the whole of India. Look at what is happening in the districts. Formerly, there used to be only one Collector who had a bungalow and a few servants. Of course, his standard of living used to be high. But, what happened after that? Now, every Extra Assistant Commissioner has a bungalow, a motor car and a number of servants, and every district has got more than 100 officers. In a district which used to have only one Collector, now there are 100 officers, and the whole burden falls upon the poor people.

Then, there is an attempt on the part of the poor people to imitate these officers in their ways of living. Nobody tries to serve the poor people. There is no contact between these officials and the masses because of the disparity in their modes of living. The officials, whenever they go on tour to the villages, return the same night to their homes, because they

do not have all the comforts which they command at their homes. In this way, the officers are demoralised. Their lives have become very soft. Formerly, the Settlement Officers used to work very hard; now, everybody shuns hard work. They only draw huge salaries. These sumptuous dinners and feasts not only demoralise them, but also the people. Of course, we are not moving this Resolution in a spirit of hostility to the Government servants. If the Collectors and other officers in a district lead a high life, then the poor people imitate them, and thus there is a scramble amongst all the communities for jobs.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must remember that this Resolution concerns the employees of the Government alone.

Mr. Sham Lal: My submission is that Government servants, whether in Delhi or in the districts in the provinces, drawing huge salaries, have demoralised the people. I should say that this ten per cent. cut is a modest demand. I would go further and say that there should be no salary above Rs. 500 a month. Of course, in this very House, the doubt was raised whether the Congress Ministers, if they accepted office, would content themselves with a salary of Rs. 500. It was said that they would be corrupt. I ask this House in all sincerity to say whether the experiment of drawing a salary of only Rs. 500 a month has succeeded or not, and, I am sure, the time will come when they will not draw a pie more than Rs. 500 a month. What is the justification for drawing huge salaries from a poor country like India? No doubt you express sympathy to the poor people, but there can be no real sympathy between you and the poor people if you go on drawing such huge salaries. My submission is that, not only on the ground of saving money, but also on the ground of improving the morals of the people in this country, there should be a cut in your salary. What salary is Hitler drawing? Are you better than Hitler? You say you are only managers or administrators in India, and that you can remain here only on condition that you get such huge salaries. If you are costly managers or costly administrators in India, then we do not want such costly people. It is better that the House is not managed well and that the children should get sufficient to eat. I remember, in my school days, a clergyman came to my village to preach Christianity. It was winter then, and he had several blankets with him. The people collected round him. He said to them: "You are all poor people, I have got great sympathy for you, because you are all shivering in cold." The people then said: "If you have got sympathy for us, please give us some of your blankets, so that we may protect ourselves from cold." No doubt, the officers here, drawing Rs. 5,000 and others drawing much more than that, all profess lip sympathy to the poor people. They say that India should stand on her legs, that she should get Provincial Autonomy, and so on. But there is no real sympathy except in words. If, therefore, you have got any real sympathy towards the poor people in India, if, as you say, you are serving India in a spirit of real service, if you really want India to be self-reliant, I think you must accept this modest Resolution seeing that the experiment of low salaries, so far as Congress Ministries are concerned, is a success.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadian Rural): Sir, the Honourable the Finance Member. Sir James Grigg, is shortly going to submit his last Budget to this

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House in a few days. Lately people were paying him compliments and I wish he gets another and a more deserving one. If what I hear is true, his next budget is not going to be an easy one. All the four years he has been in this House every budget of his has been certified. No budget has been passed by this Assembly. No Finance Bill has been passed by this House. May I tell him that the time has come when at least by this one act he can establish his *bona fides*. People establish their *bona fides* by their sacrifices. He comes to this country identified with the interest of the Civil Service. It was in 1931, I think, that the salaries of the employees under the Government of India were revised. As regards those services which are recruited by the Secretary of State, a promise was held out that revision of their salaries will be made in the near future. After that the question has been brought before this House many times by means of interpellations at question time. The previous Home Member, Sir Henry Craik, used to give the stereotyped reply that the question will be considered. One year passed and then we put the same question as to when they were going to consider the revision of the pay of the services and the reply was, "let us wait till Federation". We were waiting that Federation will be ushered in very soon when the question of revision of salaries will be taken up. Now, that Federation has been left to the astrologer. We asked the Government as to when they would consider the revision of salaries of the all-India services recruited by the Secretary of State and the reply was given the other day that they had no intention of considering the question at all in the near future. May I ask the Government, whether this is fair, or honest. The fact that functions and the guidance and the management of the government of this country is in their hands, in the hands of Civilians, should not prevent them from looking upon their own pay with a sense of public duty and voluntarily coming forward with a cut in their salaries. The salaries of the services, under the Government of India, are very high as compared with Provincial Governments services. They owe it in all fairness to put a cut upon the all-India services for their salaries have never been revised since 1931 since when it was promised many times that their revision will be considered; that promise having never been carried out. I do think that a cut in salaries today is very essential for this reason if for no other, in order to bring the income of government servants into line with the income of others in this country. I do request the Honourable the Finance Member to take effective steps, as I do believe he can, if he wishes to make representations to the Secretary of State that those services, the revision of whose salaries is long overdue and promised many a time but never done, that that should be immediately taken in hand. When the cut on salaries is being considered I would suggest that it is not right to have one flat rate for all as was done last time: For one who receives 20,000 rupees thinks that 2,000 is not much while to somebody who might get 20, two rupees, are really much. People on the other side know much more of economics, and they know that the value of money is much less to people who receive higher salaries; and, as such, this cut should be graded and I do hope the Resolution, as amended by my Honourable friend, Mr. Maitra, will be accepted by the Government in a very good spirit and that this House will pass it unanimously.

The Honourable Sir James Grigg (Finance Member): Sir, I am not sure that Honourable Members are going to be so satisfied with their

triumph when I have finished. The remarks of the last speaker very well illustrate the dilemma which, at this time of the year, the Finance Member of the Government of India must be in when called upon to discuss a question of imposing a cut on the pay of Government servants. Various Honourable Members opposite have, during the last two or three weeks or months, sought to draw me on in regard to my intentions in this matter. I have with more or less success disengaged myself from their blandishments on the plea that that is a matter which can only be disclosed in relation to the budget; and that is the attitude which I propose to continue to observe; and, if I am to continue to observe that reticence in regard to the budget proposals, it also follows that I am in a hopeless dilemma in discussing the merits and demerits of this question. If I say that a pay cut is a bad thing it will be assumed that we do not propose to do anything of the sort in the budget. If I say it is a good thing the contrary will be assumed. So I propose to enter into no arguments on the question but merely content myself with the usual answer that in this matter it is impossible to anticipate the budget statement; and that being so, the Members of the Government are in a similar dilemma and apart from myself we propose to take no part in the debate on this Resolution or in any voting on it.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Sir, I think the Finance Member has been much less than fair to this House or to himself, in the attitude he has chosen to adopt. This idea of the budget every year silencing him for months in advance and never taking the House into his confidence on any financial matter is a new theory which I think the Chancellor of the Exchequer in the House of Commons would be hard put to to maintain; but here they can do almost anything and the Finance Member seems to think that the whole thing is a joke, and since he is going away soon, he can take things humorously. I suggest, as a matter of serious consideration, that the question which we seek to raise in this Resolution is a recommendation to the Government for a cut in salaries beginning either with 100 rupees as we say in the Resolution or 200 rupees as in the amendment and a graded cut as my friend, Mr. Avinashilingam Chettiar, has suggested—surely, the Government must have some views on this matter; and why should they not take the House into confidence and say what their views are? What do they expect this House to do? Do they want to make a secret of their opinions? What are their inclinations? Is the Government going to remain neutral on this Resolution? I want to know.

The Honourable Sir James Grigg: I thought I made that quite clear—that Government Members do not propose to vote at all.

Mr. S. Satyamurti: Then, it seems to me that the Government, who have constantly blamed the Congress Party for not co-operating, are distinctly following our illustrious example: they are now non-co-operating with this House, because the Finance Member says he is in a dilemma. I should like to know what is the dilemma. He says: "If I say a cut in salaries is good, it will be assumed there will be a cut in salaries in the budget. If I say it is bad, it will be assumed that there will be no cut." Assuming that an indication is given, what is the public interest which will be seriously harmed? Supposing Government servants get notice by the tone of my Honourable friend's speech that there will be a cut in

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salaries, they will begin to cut their budgets from now. It is good for them. It is good for their families: it is good for their creditors, and it is good for the social fabric all round. On the other hand, if my Honourable friend says: "We do not propose to look at this cut in salaries for another year" then, as some Honourable Member on this side described it they can say that for another twelve months they can go on doing as they like and their salaries will not be touched. I do suggest that, on a matter of this kind on which the opinion practically of all non-official sections of this House is unanimous—I do not speak of the European Group, because I never know what they will do except that they will vote for the Government on every matter—and since Government are neutral, perhaps they may also remain neutral—I do not know whether there is any difference of opinion among other Indian elected Members of this House, that this question of reduction in salaries has become a matter of vital moment.

The Congress Governments have introduced the Congress maximum of five hundred rupees for their own Ministers and have cut down the salaries of servants under their control. But the Secretary of State is non-co-operating with the Provincial Governments, in respect of those services which are under his control. I will mention one thing and leave it to the Honourable the Finance Member to contradict or leave it uncontradicted. I am reliably informed that during this year the Finance Member, seeing the budget returns in customs and other sources, seriously proposed to the Government of India and to the Secretary of State a cut in salaries and the Secretary of State turned it down, and the Government of India would not accept even his advice for leaving the Secretary of State's services alone and impose a cut in the salaries of their own servants. Now, it seems to me that, when such a position is facing us, we must face this cut in salaries from the point of view of the best and the longest interests of this country. Do the salaries in this country—I am talking of the highly paid services—bear any comparison at all to salaries paid to similar public servants in Japan, in Soviet Russia or even in Europe or in America, or even in England, as my friend reminds me? It seems to me that it is a scandal of the first magnitude that people should be paid 2,000, 3,000, and 4,000 rupees and even 5,000 rupees for work for which they will not get even half of that amount in their own country. He will shortly be going back to his own country and to the Inland Treasury, and I ask him whether he will find there any of these European colleagues getting half of what they are getting here for the work they do in their own country. Will he answer that question? May I know why this country should be perpetually robbed and exploited to pay fictitiously high salaries to European servants? And do you know, Sir, that the corruption is becoming so great that our Indian friends have got into an unholy alliance with the European servants? "Equality" is what they say: the Europeans are paid so much and we must be paid so much: ten Europeans get 4,000 each and one Indian gets 4,000 and they imagine that it establishes the principle of equality. I put it to my Indian friends that this is not right: they are born in this country, they live in this country; their children will have to live here. Do they really compare their own salaries with the average income of the people of this country? I dare not put it to you, Sir. But I put it to the Finance Member whether it is not a canon of public finance that there ought to be some

relation between the average salary of the highly paid officials and the average income of the people. What is the average income of the people of this country? I will take any figure which my Honourable friend gives me—it cannot be more than 30 rupees a year; and yet my Honourable friend acquiesces in a system under which there is absolutely no relation between the fanciful salaries paid to our public servants and the average income of our people. I am willing to have the figure of even 60 rupees a year or five rupees a month: where is the comparison between five rupees and five thousand rupees a month? Moreover, Sir, among public servants themselves the problem has assumed a very serious proportion. The Provincial Governments are reducing their salaries and any responsible Government at the Centre is bound to reduce the salaries of its servants. Therefore, you will have different categories of public servants doing more or less similar duties and drawing different salaries. It is not good for the body politic. Moreover, Sir, this theory of the standard of living is often put up, that people who are paid high salaries cannot keep up their standard of living, if there is a drastic cut. But, as a matter of fact, Sir, this Resolution is a very modest one. It contemplates a cut, and I suggest a graded cut from $2\frac{1}{2}$ per cent. to 25 per cent. Even if 25 per cent. is cut on a salary of Rs. 4,000 I think the man will still have enough and more than enough for all his needs, comforts, and reasonable luxuries. We are not now asking for the Congress maximum of Rs. 500 to be imposed; we are only asking for a cut in salaries and I suggest, Sir, that there can be no reasonable argument against it. Let us also remember that these increased salaries were fixed on the ground that the cost of living had risen in this country, that people have got to be paid more because they have got to pay more for their own needs. But today the index of prices absolutely shows that the cost of living has fallen down. Has the Finance Member ever applied his financial conscience to the immorality of continuing salaries at such a high level on the ground of a rise in the cost of living, even during times when the index of prices shows definitely that the cost of living has fallen? Is it right? Is it moral? Do you not owe something to the taxpayers of this country? The pre-war level was 146, the index of prices today is only 126. So, there ought to be a reduction of ten per cent. at least. Moreover, Sir, let us remember that the securities provided in the Government of India Act, 1935, for a class of high-salaried servants cannot last them very long. Very soon, there will be forces at work in this country which will make this Government of India Act a dead letter, and these highly paid servants will have to face, from any popular Government at the Centre, a drastic cut in their salaries. I want the Government of India to make a beginning, and make things somewhat easy for them. After all, Sir, in every democratic country, there is always a tendency to revolution if there is a big chasm between the earnings of the few rich and the earnings of the average people. I know the argument is advanced that, if you cut down the salaries of Government servants what about the incomes of professional gentlemen like doctors, lawyers and merchants and others? My answer is that, if there is an all-round cut in salaries of Government servants, the income of all other people is bound to be reduced, with exceptions, of course, like the Leader of the Opposition or the Leader of the House, and they are exceptions which prove the rule. I may tell you that, as a matter of economic adjustment, if the salaries of Government servants are reduced, the income all round is bound to be reduced, and there will be no differentiation between one class of wage-earners and another class of

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wage-earners or professional gentlemen. And, as a matter of fact, professional income in this country, certainly in the case of lawyers, has been considerably affected; and I believe even in the medical profession the complaint is already heard. And, with regard to the fancy incomes in other walks of life, you can have income tax, super-tax, death duties, etc. and the Congress believes profoundly in the doctrine of taxing the rich for the benefit of the poor.

The Honourable Sir James Grigg: Ask the Congress Governments about death duties.

Mr. S. Satyamurti: Yes, the Provincial Governments are taxing the rich for the benefit of the poor.

The Honourable Sir James Grigg: As regards death duties you apply to some of your Governments.

Mr. S. Satyamurti: My Honourable friend refused to give me an answer as to what Sir Alan Lloyd is doing and what his recommendations are. If I ask him, he does not reply. If he wants my co-operation, let him lay his cards on the table. Then he will get our co-operation as he got, in spite of his provocative manners, from this side of the House, on the Income-tax Bill. That Bill was supported by this side of the House, because we believe in the doctrine of taxing the rich for the benefit of the poor.

The Honourable Sir James Grigg: I was talking of your mentioning death duties.

Mr. S. Satyamurti: Your appetite seems to be growing by what it feeds on. You should remain grateful for what you have already got. And, as for death duties, we will look at them, when you bring up your proposals and our Provincial Governments will look at them and consider them on their merits.

Now, Sir, there is a joke in the Government of India Act called the retrenchment campaign. Do you know what it means? Some chaprassis, some small peons, or somebody's small allowance, some few clerks in the Auditor-General's office, mostly Madrassis! This is the kind of retrenchment campaign going on under the auspices of the Finance Member. And, while we are supposed to have a big retrenchment campaign, new offices are created, new allowances are given, and nothing is done to touch the big bloated salaries of the fat and superior officials. And you are creating new jobs for people in the Governor General's office,—the Political Adviser to the Crown Representative. And you have created a number of offices, and I cannot now remember all the new offices that they have created. But I am told that the Posts and Telegraphs Department, which is under my Honourable friend, Mr. Bewoor, has been asked to surrender Rs. 70,000 in the next year's budget out of coolie's charges. You are going to starve the coolies, humble menial labourers of the postal department, who get starvation wages, in order that the Finance Member may balance his budget keeping these high salaries at their unjustifiably high level. It seems to me that the position of the Congress Party in this matter, and I believe of

all sections in this House, is a very reasonable position. Last time, when there was a ten per cent. cut, they saved nearly two crores of rupees on both the railway and the general budgets, and if they put a ten per cent. cut now, even on a graded scale, they will get at least two crores, if not three or four crores, under both the budgets. May I know why the Finance Member refuses to accept this gift? After all, we come here by the votes of these among other people. If we cut their salaries and ask them to surrender ten per cent. of it, we take the risk of these Government servants turning round and charging us with reducing their salaries. But we believe in their good sense, in their patriotism, and in their love of their country. We believe they will understand our motives, and they will feel that we are doing this thing, for the benefit of the poor in the land. We take that risk. Why not take that risk yourselves? Why are you afraid of your own Government servants? Why do you not introduce this cut either from Rs. 100 or Rs. 200, and a graded cut? It seems to me, Sir, that Government are not facing this task. It seems to me the Finance Member has already cast his eyes on London; he has really forgotten India already. That is why I find during the last few days that at question and other times he has been becoming very indifferent, and it seems to me that the holiday spirit has caught hold of him, and he feels that he has had enough of this country. But he must remember that Finance Members may come and Finance Members may go, but Government must go on and the people of this country must live. It is because we believe that the poverty and hunger of the people of this country must be satisfied, that there must be money for the nation-building departments of the provinces, and that Government ought to retrench, that we suggest to the House to pass this Resolution unanimously.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhamadan Rural): Sir, I am surprised that the Finance Member expects me to accept his dilemma. It does not exist at all. If you allow me to assist him in getting out of a self-created delusion, he says that if he says that a cut in salaries is a good thing, therefore there is already a cut in salaries proposed in the next budget. My friend, I think, recollects that there are many opinions which he holds which it takes him a lot of time to give effect to. We are not so foolish as to imagine that even if you believe in the right, you will do the right. Therefore, Sir, to my mind, there is not the slightest chance of our facing any dilemma which he has himself created. The truth is this that they dare not face this House and tell them, not so much as to what they will do in the next Budget, but as to what the general attitude of the Government is on a question on which as honest men they cannot have any other opinion than the one which we all hold on this side of the House. The dilemma is not at all that we shall get any cue to the great secrets which he will preserve till the evening of the 28th day of February. The dilemma is really this,—how can he, and with what face, support this Resolution, and if he cannot support it, he wants to create some other excuse so that he may get out of the dilemma. Therefore, Sir, I am unable at least as a public man to accept the kind of dilemma which he has created for himself or that there is any justification for the way in which he has tried to get out of this matter, but inasmuch as some questions have been asked, I think it is only right that some sort of idea should be placed before the House as to the mind of the Government on this matter, because I look naturally to the other side for some sort of defence for what they are doing for

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earning their salaries, and it is rather a curious commentary that they seem not to be even eager to give themselves a certificate, that they are being paid for what they deserve. I thought that some Honourable Members on the other side who draw Rs. 4,000 would say "I have done this or the other to deserve my salary", but I am glad they begin to realise that they dare not put themselves to that test. Otherwise, I thought that on a motion of this kind the Government would really place before this House any practical difficulties, if there are any, in the way of the Resolution being given effect to, even if they accept the Resolution so far as its principle is concerned. But if they think that they are by this method going to defeat anybody, they are very much mistaken, because, I am sure, the whole of the public will judge this matter from the point of view of their inability to defend themselves on this issue. Therefore, it is no use saying that this is not an issue in which the House is not entitled to have a full explanation from the Government as to the different branches of the services that are being maintained at a huge cost, how and at what cost they are being maintained, and in what departments it is possible to obtain the services at a lesser cost.

Coming next to the merits of the issue itself, and notwithstanding the fact that my friend, the Deputy Leader, told you that I was somewhat of an exception which proved the rule,—I do not accept it at all,—and I will give you the reason for it, which I have always told those who seek for security, that they should be satisfied with a lesser emolument in their own life. A man takes a certain amount of risk in a profession in which he may earn nothing throughout his life, and it does not lie in the mouth of one who is in service to say, "Oh, if I had taken the same risk as you did I might have made Rs. 5,000 a month." Well, he did not do it, and that is the complete answer. I recollect one of the Judges of the Bombay High Court, a civil servant, who, before his retirement, always used to pull my legs. What he told was this. One day, a question arose as to the taxation of fees. My friend, Sir Muhammad Zafrullah Khan, and others who have been at the bar will appreciate this. He happened to have a docket of a fee on an opinion which I happened to give. There was marked a certain amount of fee for the opinion. Then, they had marked another five gold mohurs on it for expedition well knowing that I had not enough time at my disposal to give it preference over other matters which were awaiting, and he asked me—"there were 10 gold mohurs for my opinion and five gold mohurs for expedition; supposing I give you 10 gold mohurs for opinion and 20 mohurs for expedition, how soon can I do it?" I said "just now if you like it". And I remember he used always to pull my legs, but, at the end of his retirement, he tried his luck. He asked for permission to practise at the bar, and I don't wish to tell the sorry tale as to what happened to him then, notwithstanding the prestige of having been an ex-Judge of the same High Court. Therefore, let us not talk of the professions when we talk about the services. There is absolutely no comparison in this matter at all. Let us get back, therefore, to those who seek the service of the Crown or the State in any country whatever, and the fact remains that in this country the origin of the large scale of salaries is well known and must be well known to my friends. It is important to remember it, so that the changed circumstances may enable them to see the thing in a proper perspective. There was undoubtedly a time when two classes of persons were the servants of the State

in so far as the higher part of the hierarchy was concerned. The European who came to oblige us having left with regrets the land to which he belonged and called this a land of regrets all the time, notwithstanding all that he got out of it, and there was the Indian who was educated purely for no other purpose,—if you read the despatch of Lord Macaulay, you will find it there,—than to be a medium between those who governed and the poor tiller of the soil and the hewer of wood in this country. There was another reason,—whether it is there or not is immaterial, because the facts justify that it must have been so,—that you should try and take care, because the higher the taxation the higher the expenditure seems to have been the theory, the object being, as is well known, the same as in another profession. I will not mention it, so that not a rupee would be left at the end of the year, and you would always be a starving individual. Every time you raise the taxes, every time you raise the salaries under one form or another, whether in the army or in the civil service, and I do say that seriously to all my friends on the other side, at all events, who are Indians, that this claim for quality and the prestige merely by reason of the quality of fame is indeed a very definite kind of prestige altogether. There is honour in serving one's country for a lesser salary, even though another man, whom I will not call upon to do so and whose covenant I cannot touch without the intervention of the Secretary of State, may still claim his pound of flesh.

There is no dishonour whatever in any man agreeing to serve and in serving on a lesser salary than a colleague of the same standing because he belongs to another race, and indeed I recollect a certain incident very well. A short time ago, before the Congress Ministers got into office, a facetious observation was made by a Member of this House, who is fortunately absent today, and told us: "Oh, yes, if you reduce salaries and take Rs. 500, where would the rest Rs. 2,500 come from"? I understood the insidious and almost disgraceful suggestion made behind it. I said that means that you have got so attuned to your standard of life that, with anything less than Rs. 3,000, you cannot live in imitation of your masters. But remember this, that there are other countries in which public servants of every kind have given up their higher professional emoluments and considered it an honour to serve on less perhaps than a fifth or a tenth of what they used to make in their respective professions, and I only mentioned Sir John Simon to him. After that we had an end of that wretched discussion. So that, the fact remains that from the point of view of the poverty of this country, which undoubtedly was not being heard by the other people, though they saw it, but did not affect them either ethically or economically. the time has now arrived when the poverty must be understood in terms not merely of ability to maintain these fat services,—and after all, what they do in this country is being done by administrative servants in all other countries. Take, for instance, France and many other countries of which I have some little knowledge, and I did give figures at the time when we were discussing the question of the Army Budget last year, and they may be looked at if necessary,—that a French officer, right up to the Field Marshal, probably takes a fifth of the salary than what is paid to the European officers who are here for the purpose of protecting us and for guarding and commanding the white troops of this country including our own. Similarly, talking of civil services,—remember this, and I wish to call attention to it, so that every friend, who is sitting on that

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side of the House,—if he has not seen it, he will look at it one day,—the staggering figures which Mahatma Gandhi published at the commencement of last year with reference to the proportion that the average income of a civil servant bears to the average income of an Indian, and he went even further and gave figures of the relation between the salary of the lowest chaprassi as compared with those who sit at the head of these great offices.

One thing is quite certain that neither in the quality of service,—good or bad I am not here arguing that part, I am not blaming or making any charge of efficiency or inefficiency whatever.—but I am saying this that however efficient you may be, however industrious or hard-working you may be, after all is said and done it is up to us to say, this is all we can afford, you can serve or you can leave. We are not able to exercise that judgment and that power merely because our money is in the hands of other people to spend. Otherwise, it is an honest bargain which my Honourable friend the Finance Member will certainly think about. After all, a man can say, this is all I can afford, I cannot afford more. I may remind him of the illustration which I gave him the very first year from the book which he had already read I believe. I said, if you want to guard your house, and, on that guard, you spend Rs. 50 out of an income of Rs. 80 and leave the rest of the house to be managed on Rs. 30 and you keep an accountant on Rs. 20, then you will be left with only Rs. 10. That is in terms of Rs. 10 as against crores, but the fact remains that this is the way in which all the money—indeed this country was regarded as no more than providing employment for the services in order to maintain the domination of the country. What is it that is left at the end of that budget except that the army is provided, the services are provided for, and if there is a little surplus, it is a mercy; otherwise they raised loans or raised taxes. That is the true analysis of the budget of this country. Therefore, I do appeal to my Honourable friend not to impose this dilemma on himself but consider it as if he was a genuine economic adviser, as a genuine honest servant of the Indian State. From that point of view, if you think you are worth more, we say, thank you, we cannot afford it,—that is all we can tell you. Instead of having to force it down when we have got the right and the power, why not begin graciously at this time so that at least now you might leave something for what you call nation building departments of the Government, of which the first words were only heard during the last eighteen months so far as I am concerned. Otherwise you simply said, the budget must be balanced, the credit of India must be maintained. Balancing the budget means, spending what I have got, I cannot spend a little more lest taxes might have to be raised and loans might have to be raised. There is no competition whatever in matters of this kind. It is a question of what the country can afford. We can be content with less efficient service if necessary. On the question of unemployment in this country we are told by benches opposite that for a service of Rs. 50 or 60 a month as many as 2,000 applicants, highly skilled educated people, are forthcoming. Then, what is the justification, I ask, for maintaining the scale of salaries which is being maintained? If there is competition, why not that same work be done by a person who has indeed capacity, but so far as this is concerned, if you reduce one, you have got to reduce the other all the way down. I draw no inference from the Honourable Member's silence, but I trust that his dilemma was merely an excuse to get out of it

on this occasion and that there is every possibility that when the time comes he will, not merely like a tax gatherer but as a tax spender, see to it that this Resolution is given effect to.

Some Honourable Members: Let the question be now put.

Mr. President (The Honourable Sir Abdur Rahim): The Chair will put the amendment first. The question is:

"That for the word and figures 'Rs. 100' the word and figures 'Rs. 200' be substituted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Now, the Chair will put the Resolution as amended. The question is:

"That this Assembly recommends to the Governor General in Council that a cut on salaries of and above Rs. 200 of all grades of employees of the Government of India be imposed with effect from 1st April 1939."

The motion was adopted.

STATEMENT OF BUSINESS.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, the House is aware that His Excellency the

5 P.M. Governor General has allotted Friday and Saturday, the 10th and 11th March, and Monday, Tuesday and Wednesday, the 13th, 14th and 15th March, for the voting of Demands for Grants. It has been represented to us that there is a general desire that the House should not sit on Saturday, the 11th March, that Thursday, the 16th March should be allotted in lieu of that day for the voting of Demands, and that the day lost on Saturday, the 11th March, should be made up by the holding of a sitting on Saturday, the 25th March. His Excellency the Governor General has authorised me to announce that, if this is in fact the general desire, he is prepared to make the proposed change in the dates for the voting of Demands, and, on the same assumption, I would request you, Sir, to direct that the House should sit for the transaction of official business on Saturday, the 25th March.

Mr. President (The Honourable Sir Abdur Rahim): The Chair is prepared to direct that the House shall sit on the 25th March. But there is one difficulty about questions. The questions fixed for the 11th March cannot be answered orally as there will be no sitting of the Assembly on that day. The Chair thinks that any questions that have been put down for that day will be answered in the manner the Chair has suggested before. As regards the 25th March, the Chair takes it that the only arrangement that is possible as regards questions for that day is that Home, Finance and Defence Departments will answer questions on that day instead of on the 11th. If that would suit Government Benches, the Chair will give the necessary direction.

The Honourable Sir James Grigg (Finance Member): Not the same questions as on the 11th.

Mr. President (The Honourable Sir Abdur Rahim): No. Additional questions. That is in the rotation of Departments fixed for the 11th March. There will be no sitting on the 11th March. There will be a sitting on the 25th March. The Assembly stands adjourned till 11 A.M. on Monday next.

The Assembly then adjourned till Eleven of the Clock on Monday, the 13th February, 1939.

LEGISLATIVE ASSEMBLY.

Monday, 13th February, 1939.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBERS SWORN.

Lieut.-Colonel Sir Henry Gidney, M.L.A. (Nominated Non-Official);
and

Mr. Frank D'Souza, C.I.E., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

IMPOSITION OF AN IMPORT DUTY ON COCOANUTS.

310. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Commerce Member state:

- (a) at what stage is Government's consideration of the imposition of an import duty on cocoanuts;
- (b) whether the information asked for by the Central Government has been received from the Provincial Governments; and
- (c) when they expect to come to a conclusion in the matter?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). The required information has not yet been received. The position is, therefore, as stated in reply to the Honourable Member's question No. 1378 dated the 22nd November, 1938.

Mr. T. S. Avinashilingam Chettiar: What is the information that they have called for from the Provincial Government that is responsible for so much delay?

The Honourable Sir Muhammad Zafrullah Khan: I have answered that many times in reply to supplementary questions.

Mr. S. Satyamurti: May I know whether Government have heard from the Travancore and Cochin Governments who are also keenly interested in this question?

The Honourable Sir Muhammad Zafrullah Khan: I cannot say without notice.

Mr. S. Satyamurti: Has the Honourable Member's attention been drawn to a recent statement by the Diwan of Cochin, Sir R. K. Shanmukhan Chetty, in which he said that he pressed on the Government of India a system of control or quota with regard to copra to be embodied in our agreement to be entered into between the Government of India and the Governments of Ceylon and of the Indian States, Travancore and Cochin?

The Honourable Sir Muhammad Zafrullah Khan: I have not specifically noticed it, but I have had so many representations on this matter that it is difficult to say.

Mr. S. Satyamurti: In view of the great distress among the cocoanut growers, will Government expedite their decision on this matter, so that they may get some relief?

The Honourable Sir Muhammad Zafrullah Khan: I agree.

Mr. T. S. Avinashilingam Chettiar: Do the Government of Madras give any reasons for the delay?

The Honourable Sir Muhammad Zafrullah Khan: I could not say.

REPORTS OF THE SHIPPING MASTERS IN INDIAN PORTS.

311. ***Mr. N. M. Joshi:** Will the Honourable the Commerce Member be pleased to state :

- (a) whether the Shipping Masters in Indian ports make an annual report of their work to the Government of India;
- (b) whether these reports are published;
- (c) if the reports are not published whether Government propose to publish them; and
- (d) if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes.

(b) No.

(c) and (d). The question of publishing these Reports is under consideration.

SICKNESS INSURANCE SCHEME FOR INDIAN SEAMEN.

312. ***Mr. N. M. Joshi:** With reference to his reply given on the 6th September, 1938, to my starred question No. 761, will the Honourable the Commerce Member be pleased to state whether the examination of inaugurating a scheme for sickness insurance for Indian seamen is complete, and, if so, what is the result?

The Honourable Sir Muhammad Zafrullah Khan: No. The matter is still under consideration.

UTILISATION OF CERTAIN CONTRIBUTIONS FOR THE BENEFIT OF INDIAN SEAMEN.

313. *Mr. N. M. Joshi: With reference to his reply to my starred question No. 765, given on 6th September, 1938, will the Honourable the Commerce Member be pleased to state whether their consideration of the question that contributions made by British shipowners in connection with National Health Insurance for seamen who are neither domiciled nor resident in Great Britain, be spent for the benefit of the non-resident and non-domiciled seamen instead of for the benefit of the British seamen, is complete, and, if so, what is the result?

The Honourable Sir Muhammad Zafrullah Khan: No. The question is still under consideration.

RATE WAR BETWEEN SHIPPING COMPANIES CARRYING HAJ PILGRIMS.

314. *Mr. Abdul Qaiyum: Will the Honourable Member for Commerce please state :

- (a) whether the Port Haj Committees of Calcutta, Bombay and Karachi have protested against any rate-war aimed against an Indian company;
- (b) whether they have asked Government to take effective action in the matter;
- (c) the manner in which Government propose to eradicate this evil; and
- (d) whether Government are still unwilling to resort to legislation to curb this evil; if so, the reasons therefor?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Representations in regard to the present position in the pilgrim trade have been received from the Port Haj Committees at Calcutta and Karachi, but not from the Bombay Committee.

(c) and (d). I would invite the Honourable Member's attention to the answers given by me to question No. 213 and its supplementaries on the 8th February.

Maulvi Abdur Rasheed Chaudhury: May I know whether Government are taking any practical steps to stop this rate war?

The Honourable Sir Muhammad Zafrullah Khan: I don't know how many times I have answered this question in reply to supplementaries.

Mr. Abdul Qaiyum: May I know what are the suggested remedies by the Port Haj Committees?

The Honourable Sir Muhammad Zafrullah Khan: Generally it comes to this—that they desire some action to be taken which will result in uniform rates.

Mr. Abdul Qaiyum: How do they propose to effect this object?

The Honourable Sir Muhammad Zafrullah Khan: I cannot go on answering with regard to the contents of their representations.

Mr. S. Satyamurti: With regard to legislation, may I know whether Government have got under active consideration proposals for introducing uniform rates.

The Honourable Sir Muhammad Zafrullah Khan: For the moment the question itself has ceased to be active.

DISCRIMINATION IN THE PAYMENT OF COMPENSATIONS TO INDIAN *LASCARS* AND EUROPEAN SEAMEN.

315. *Mr. N. M. Joshi: Will the Honourable the Commerce Member be pleased to state :

- (a) whether he is aware of the fact that section 86(1) of the Indian Merchant Shipping Act, 1923, contains racial discrimination, inasmuch as it prescribes lower sums to be paid to Indian *lascars* as compared with those to European seamen by way of compensation for a reduction in the provision for food or for bad quality of food provided on board ship;
- (b) if so, whether Government propose to consider necessary amendments to the section, so as to raise the amounts of compensation to be paid to Indian *lascars* and equalising them with those given to European seamen; and
- (c) if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) The difference in the rates of compensation is due to the fact that the ordinary dietary of European seamen costs more than that of Indian seamen.

(b) and (c). The matter is under consideration.

REPORTS OF THE TARIFF BOARD ON CERTAIN INDUSTRIES.

316. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Commerce Member state :

- (a) which of the reports of the Tariff Board are still under the consideration of the Government;
- (b) when the consideration of the reports will be over; and
- (c) whether Government have considered the advisability of passing their orders on the report after ascertaining the views of the Assembly on important matters?

The Honourable Sir Muhammad Zafrullah Khan: (a) Reports relating to the following industries are under the consideration of Government :

Sugar, Paper, Magnesium Chloride, Sericulture and manufacture of Silk handkerchiefs.

(b) As early as possible.

(c) The attention of the Honourable Member is invited to the answers given by me on the 14th November, 1938. to the supplementaries to his question No. 1289.

Mr. S. Satyamurti: May I know whether Government have considered or will consider the desirability of giving effect to the recommendations of the Tariff Boards in time for the Finance Bill of each year and not introduce legislation in the middle of the year, affecting the tariffs?

The Honourable Sir Muhammad Zafrullah Khan: I cannot give any undertaking to that effect. It all depends on how soon conclusions can be reached after consideration of the reports.

Mr. T. S. Avinashilingam Ohttiar: Is there a time limit within which consideration of the reports of these committees have to be finished?

The Honourable Sir Muhammad Zafrullah Khan: There is a time limit with regard to the period of protection which these industries enjoy and some decision one way or the other will have to be taken before the period of protection expires.

Mr. Manu Subedar: May I know the consideration of which of these reports has been completed with a view to give effect in the next Budget?

The Honourable Sir Muhammad Zafrullah Khan: I cannot go beyond what I have already said.

Mr. S. Satyamurti: Are there any Tariff Board reports which have been long enough with the Government for them to say that they have been in a position to come to conclusions on their recommendations and incorporate them in the financial proposals for next year?

The Honourable Sir Muhammad Zafrullah Khan: It is expected that with regard to some of these reports conclusions will soon be arrived at and legislative proposals placed before the House.

Mr. T. S. Avinashilingam Ohttiar: What are those proposals?

The Honourable Sir Muhammad Zafrullah Khan: I cannot specify them.

Mr. Manu Subedar: What has become of the sugar report which was submitted some time at the time of the last Budget, which could not be considered last year?

The Honourable Sir Muhammad Zafrullah Khan: It has not been lost sight of. It is under consideration.

Mr. S. Satyamurti: May I know the reasons for the delay of fifteen months?

The Honourable Sir Muhammad Zafrullah Khan: I have explained the reasons before.

Mr. S. Satyamurti: May I know why the delay continues?

The Honourable Sir Muhammad Zafrullah Khan: For the same reasons.

REFERENCE OF THE PROTECTION OF COTTON INDUSTRY TO THE TARIFF BOARD.

317. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Commerce Member state :

- (a) whether Government have under contemplation the reference of any matter to the Tariff Board in the near future;
- (b) whether the protection of the cotton industry will be referred to the Tariff Board; and
- (c) who will be the members of the Tariff Board and what will be the terms of reference?

The Honourable Sir Muhammad Zafrullah Khan: (a) No, Sir.

(b) The action to be taken in this matter depends on the outcome of the negotiations with His Majesty's Government in the United Kingdom for a revised trade agreement.

(c) Does not arise.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that the outcome of the trade agreement is expected to be known before the end of the session, may I know whether Government contemplate appointing a Tariff Enquiry Committee quite soon over this matter?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid we will have to wait to see the outcome of the negotiations.

Mr. S. Satyamurti: May I know whether the Government of India have any idea of the date by which they will be able to arrive at their tentative conclusions on the Indo-British trade negotiations?

The Honourable Sir Muhammad Zafrullah Khan: It is very difficult to specify any particular date. I have assured Honourable Members that it will be placed before the Assembly as early as possible.

Mr. S. Satyamurti: Will it be on the 24th of February?

The Honourable Sir Muhammad Zafrullah Khan: It now looks as if it will have to be later on.

Mr. S. Satyamurti: Later on, I know. But when?

(No answer.)

REPRESENTATIONS FOR THE AMENDMENT OF THE COMPANIES ACT.

318. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Law Member state :

- (a) whether Government have received any representations from the public asking for amendments to the Companies Act as recently amended by the Legislature;
- (b) if so, with regard to what matters; and

- (c) whether Government have considered the representations and, if so, with what results?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes.

(b) The proposals for amendment are numerous and relate to various sections of the Act.

(c) I would refer the Honourable Member to the reply given to part (c) of his question No. 738 on the 10th March last. The time is not yet opportune for undertaking any general revision of the Indian Companies Act.

Mr. S. Satyamurti: May I know whether any representations have been received relating to the amendments to the Act relating to banking and have any representations been made to the Government of India for undertaking comprehensive banking legislation?

The Honourable Sir Muhammad Zafrullah Khan: I should like to have notice. I have not got the details here.

Mr. T. S. Avinashilingam Chettiar: The Honourable Member has said that the time is inopportune for a general revision. May I take it that Government are addressing themselves to any few points which are urgent, by way of amendment of the Act?

The Honourable Sir Muhammad Zafrullah Khan: I said that the proposals for amendment are numerous and relate to various sections.

WESTERN AND EASTERN COURTS IN NEW DELHI.

†319. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Labour be pleased to state if the original idea of building the Western and Eastern Courts in New Delhi was to accommodate exclusively the members of the Central Legislatures?

(b) Is it a fact that Eastern Court has been given away to the Postal and Telegraph Department? If so, on what conditions and by whom are all the quarters occupied, and what rent is realised therefrom?

(c) Are the rooms in the Western Court, marked for officials, given to them permanently, or will preference be given to the members of Legislatures, if they want them, or there is need for their occupation?

(d) Are there no rooms available in the Eastern Court to accommodate some of the officials occupying rooms in the Western Court?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes.

(b) The Eastern Court was transferred to the Posts and Telegraphs Department at its market value in 1923, and is used for various Posts and Telegraph offices and quarters for staff. With the exception of one member of the staff, who is paying a rent of Rs. 31 per mensem, all the occupants of quarters are entitled to rent-free accommodation as a condition of their service.

†Answer to this question laid on the table, the questioner being absent.

(c) The accommodation earmarked for Government officials is meant for them. The accommodation reserved for Members of the Legislature is adequate to meet the present demand and the question of increasing such accommodation will be considered if and when the demand increases.

(b) No.

REPRESENTATIONS FOR THE GRANT OF OLD AGE PENSIONS TO INDIAN WORKERS IN NATAL.

320. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Secretary for Education, Health and Lands please state:

- (a) whether representations were made to the Government of the Union by the Natal Indian Congress to grant old age pensions to Indian workers there; and
- (b) whether the representations were favourably considered by the authorities concerned?

Sir Girja Shankar Bajpai: (a) Yes.

(b) Towards the end of 1935, a grant of £5,000 per annum to be distributed as relief to aged, indigent, or blind Indians at the rate of 10/- per month, was sanctioned by the Union Government. As a result of representations made by the Agent General, the amount was raised to £10,000 last year and the age-limit for Indian women reduced from 65 to 60 years in 1937. The age limit for both males and females is now the same as under the European Old Age Pensions' Scheme. The Agent General is making further efforts to have the annual grant increased and to secure an increased rate of pension.

REPRESENTATIONS FOR FACILITIES AND GRANTS TO INDIAN WIDOWS ENTITLED TO EDUCATIONAL GRANTS IN MARITZBURG.

321. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Secretary for Education, Health and Lands please state:

- (a) whether the Natal Indian Congress made representations to the authorities there to afford facilities and grants to the Indian widows entitled to educational grants in Maritzburg; and
- (b) whether the authorities considered the representations favourably?

Sir Girja Shankar Bajpai: (a) and (b). Government have no information. If the Honourable Member communicates to me the information on which his question is based, Government will consider whether any action on their part is called for.

BOARD ESTABLISHED TO ADVISE ON MATTERS RELATING TO IMMIGRATION IN KENYA.

322. *Mr. Govind V. Deshmukh: Will the Secretary for Education, Health and Lands please state:

- (a) whether the Government of Kenya have established any Board under the Chairmanship of the Commissioner of Lands and Settlement for advising the Commissioner of Police in matters relating to immigration in Kenya;

(b) whether any Indian has been appointed on this Board to safeguard the interests of Indians; and

(c) what steps the Government of India have taken to protect the interests of Indians?

Sir Girja Shankar Bajpai: (a), (b) and (c). The attention of the Honourable Member is invited to the reply given by me on the 4th of this month to Seth Govind Das's starred question No. 56.

Mr. Govind V. Deshmukh: Sir, on a former occasion there was no answer to part (c) of the question. All that was stated, I think, was that there was some sort of understanding arrived at and the question of Indian immigration was not to be referred to?

Sir Girja Shankar Bajpai: No, Sir. What I stated on this occasion was that the Government of India had been informed that this Immigration Board was not going to concern itself with the question of Indian immigration. The Indians in Kenya nevertheless wished to have representation on the Board and that matter has been taken up with the Secretary of State.

Mr. Govind V. Deshmukh: Having regard to the fact that the Colonies seldom observe the understanding arrived at, may I know what are the definite proposals of the Government of India?

Sir Girja Shankar Bajpai: In this particular case there has not been time for the Government of India to determine whether the understanding is being observed or not.

Mr. Govind V. Deshmukh: May I know whether in the meantime there will be precautionary measures taken?

Sir Girja Shankar Bajpai: Unless the Indians in Kenya represent that the understanding is not being observed, there is no question of taking precautionary measures.

CONSTITUTION OF A PERMANENT TARIFF BOARD.

323. ***Mr. S. Satyamurti** (on behalf of Seth Govind Das): Will the Honourable Member for Commerce please state:

(a) whether it is a fact that the entire establishment of the Tariff Board has been disbanded, with the exception of a single junior official;

(b) whether Government propose the abolition of the Tariff Board once for all;

(c) whether Government have any agency for the purpose of valuing goods in the country for tariff purposes in the absence of the Tariff Board;

(d) whether Government contemplate replacing the present Tariff Board by a permanent *quasi-judicial* body like the Inter-State Commerce Commission of the United States of America;

(e) whether Government had suggestions made to them for a permanent Board of a *quasi-judicial* constitution, by the commercial bodies of the country; and

(f) what Government propose doing in the matter?

The Honourable Sir Muhammad Zafrullah Khan: (a) No, Sir. The office staff of the Tariff Board at present consists of an Assistant Secretary, one routine clerk and a small inferior establishment.

(b), (d), (e) and (f). The attention of the Honourable Member is invited to the statement I made in this House during the course of the debate on the adjournment motion moved and withdrawn by the Honourable Member who has just now put the question on the 1st September, 1936, in regard to the abolition of the Tariff Board.

(c) The valuation of goods for tariff purposes is not a function of the Tariff Board.

Mr. S. Satyamurti: With regard to the answer to clause (a) of the question, may I know what are the duties which are discharged by the small establishment which is now being kept on?

The Honourable Sir Muhammad Zafrullah Khan: Routine duties relating to the various reports and the representations received from different industries and so forth.

Mr. S. Satyamurti: With reference to the answer to clause (c), may I know what is the agency employed by Government for the purpose of valuing goods for tariff purposes?

The Honourable Sir Muhammad Zafrullah Khan: Proposals for valuation are put up by the Director General of Commercial Intelligence and Statistics and a decision is arrived at by the Department.

Mr. S. Satyamurti: With reference to the other clauses of the question, may I know if the position of Government still remains the same, that is to say, they have no intention of even considering the setting up of a permanent *quasi-judicial* Tariff Board and that they are content with having *ad hoc* Tariff Boards from time to time?

The Honourable Sir Muhammad Zafrullah Khan: I would rather not discuss the intention of Government in this matter. It is not quite so rigid as the Honourable Member assumes.

Mr. S. Satyamurti: In view of that answer, are Government actively considering the question of instituting a *quasi-judicial* permanent Tariff Board likely to command universal public confidence in this country?

The Honourable Sir Muhammad Zafrullah Khan: I wish the Honourable Member would be satisfied by the answer I have just given.

Sardar Mangal Singh: May I know whether in the constitution of a Tariff Board, whether that be permanent or temporary, Government will give due representation to the agriculturist?

The Honourable Sir Muhammad Zafrullah Khan: Government will keep that consideration in mind.

INFLUX OF NON-INDIAN DOCTORS INTO INDIA.

324. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Secretary for Education, Health and Lands please state:

- (a) whether his attention has been drawn to a resolution passed by the All-India Medical Conference, in December last, regarding the influx of non-Indian doctors into India;
- (b) whether he is aware that on account of unemployment in the medical profession in India, the appointment of, or the permission to practise in the medical profession by, non-Indians seriously affects Indians; and
- (c) whether Government propose controlling the entry of such doctors into this country to set up practice or take up appointment, by suitable emigration legislation, who are not Indians, and specially those in whose country Indians have no reciprocal treatment?

Sir Girja Shankar Bajpai: (a) and (c). Government have seen the resolution referred to. The attention of the Honourable Member is invited to the reply I gave to part (c) of Mr. Lalchand Navalrai's starred question No. 52 on the 4th of this month.

(b) Government are aware that there is some unemployment in the medical profession in urban areas. Permission to practise medicine in India or the appointment of non-Indian doctors is primarily a concern of the Provincial Governments.

Mr. S. Satyamurti: With reference to the answer to clause (c) of the question, may I know whether the Government of India are actively considering the question of taking legislative or administrative steps for the control of the immigration of non-Indians into the country on the basis of reciprocity?

Sir Girja Shankar Bajpai: I submit, Sir, that that is rather a large question. I was limiting my answer to the question to the entry of doctors into this country.

Mr. S. Satyamurti: May I know if Government are ever considering the question of taking steps, legislative, administrative or other, with a view to controlling the immigration of non-Indian doctors into this country on the basis of reciprocity?

Sir Girja Shankar Bajpai: Sir, the position with regard to that is this. What the Government considered was not so much the question of the entry of these doctors into India as the question of the right to practise and to be registered, because they would not come to this country, if they were not allowed to be registered or to practise. As my Honourable friend is probably aware, the problem in Bombay appeared to the Government of Bombay to be acute and they very recently passed a Bill which has the effect of denying the right to practise to persons who do not conform to certain conditions, and in view of that we came to the conclusion that this matter had better be left to be dealt with by Provincial Governments, who are doubtless in a better position to appreciate local exigencies than we are.

Mr. S. Satyamurti: In view of the fact that uniformity is necessary in this matter in the whole of India governed by the British Government here, may I know whether Government have not considered or will not consider the desirability of taking some uniform steps which will govern the right to practise as doctors of non-Indians all over India? I am not referring to the question of their being registered or not being registered in each province.

Sir Girja Shankar Bajpai: It might become necessary at some stage to consider the thing from the all-India point of view but at the moment the problem appears to be a local one.

Mr. Badri Dutt Pande: Is not the Honourable Member aware that a few Jewish doctors have come over here and settled down here and are practising here?

Sir Girja Shankar Bajpai: I have not taken a census of Jewish doctors in Delhi.

Mr. T. S. Avinashilingam Chettiar: May I know whether any other Government have taken any steps in this direction?

Sir Girja Shankar Bajpai: I have information only so far as the Government of Bombay is considered.

Dr. Sir Ziauddin Ahamd: Do not the Jewish doctors have to apply for registration to the Government of India?

Sir Girja Shankar Bajpai: No, Sir, because we have no power to register anybody. As my Honourable friend is aware, the registration Acts are all provincial.

Dr. Sir Ziauddin Ahmad: But in Delhi they have to apply to the Government of India for registration? Surely Delhi is under the Government of India?

Sir Girja Shankar Bajpai: That is true, but as far as I know—I am speaking from memory—the registration in Delhi is done in conformity with the provisions of the Punjab Act. There is no separate Act for Delhi.

INDIAN TRADE COMMISSIONERS IN FOREIGN COUNTRIES.

325. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Honourable Member for Commerce please state:

- (a) the number of Trade Commissioners stationed in various foreign countries on behalf of India and their jurisdictions;
- (b) the number of Trade Commissioners appointed in the Far East countries on behalf of this country;
- (c) whether he has taken steps to extend India's piecegoods trade in countries like Syria, Turkey and Egypt;
- (d) the percentage of India's trade in Syria, Turkey and Egypt in piecegoods out of the total trade in those countries; and
- (e) the steps taken by him lately to capture some of those markets?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). I lay on the table a statement showing the Indian Government Trade Commissioners stationed abroad and their jurisdictions.

(c) and (e). The Government of India have recently appointed an Indian Government Trade Commissioner at Alexandria whose jurisdiction includes Syria, Turkey and Egypt. One of the principal duties of the Trade Commissioner is to develop the market for Indian goods in the countries within this jurisdiction.

(d) The information is not available.

Statement showing the jurisdiction of the Indian Government Trade Commissioners abroad.

1. *Indian Trade Commissioner, London.*
United Kingdom.
2. *Indian Government Trade Commissioner, Hamburg.*
Belgium, Czechoslovakia, Denmark, Northern France, Germany, Holland, Norway, Poland, Sweden, Switzerland, Finland, Latvia, Lithuania and Estonia.
3. *Indian Government Trade Commissioner, Milan.*
Italy, Southern France, Spain, Portugal, Hungary, Greece, Roumania, Yugoslavia, Albania and Bulgaria
4. *Indian Government Trade Commissioner, New York.*
North America.
5. *Indian Government Trade Commissioner, Mombasa.*
Kenya, Uganda Protectorate and Tanganyika Territory.
6. *Indian Government Trade Commissioner, Alexandria.*
Turkey, Syria, Palestine. Egypt, Trans-jordan, Saudi Arabia, Iraq, Iran, Arab shore of the Persian Gulf (including Bahrain and Kuwait) and Muscat.
7. *Indian Government Trade Commissioner, Osaka.*
Japan.

Mr. S. Satyamurti: When was this gentleman appointed at Alexandria whose duties and jurisdiction extend to these countries mentioned?

The Honourable Sir Muhammad Zafrullah Khan: A very short time ago, I think in December last.

Mr. S. Satyamurti: May I take it, therefore, that Government have not had any time to receive any report on any activities for the extension of trade with this country?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member's assumption is correct.

Mr. S. Satyamurti: May I ask whether Government have charged him especially with the duty of increasing the percentage of India's trade with these countries?

The Honourable Sir Muhammad Zafrullah Khan: That is part of his duties.

Mr. K. Santhanam: May I know whether these State Trade Commissioners have been authorised to explore the possibilities of bilateral agreements with these countries?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir.

Mr. S. Satyamurti: Do their functions include a report to the Government of India on the desirability of concluding such bilateral agreements with these countries?

The Honourable Sir Muhammad Zafrullah Khan: Not specifically; but, of course, their reports contain a good deal of the material which would be necessary for enabling the Government of India to come to a decision.

Mr. K. Santhanam: Will Government consider the desirability of giving specific instructions in this matter?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir.

INDIA'S TRADE IN IRAN.

326. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Honourable Member for Commerce please state:

- (a) the total quantity of trade and its value India had in the markets of Iran in the last two years;
- (b) whether he is aware that Iran offers great opportunities for extending India's trade in cotton yarn and piecegoods;
- (c) whether he is aware that special activities were necessary, if India's markets were to be retained; and
- (d) the actions taken by him to improve the trade balance of this country with Iran?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Honourable Member is referred to the Review of the Trade of India for 1937-38, the Monthly Accounts relating to the Sea-borne Trade and Navigation of British India for March, 1938, and the *Indian Trade Journal*, dated the 5th January, 1939, copies of which are in the Library.

(b) and (c). No.

(d) Government are not aware of any action possible in this connection.

GIVING UP OF THE SIMLA SESSION OF THE LEGISLATIVE ASSEMBLY.

327. *Mr. K. Santhanam: Will the Honourable the Leader of the House please state:

- (a) whether it is proposed to give up the Simla Session of the Assembly;
- (b) what will be the difference in expenditure if the Session were held in Delhi in September instead of at Simla; and

(c) whether the Leaders of the Parties in the Assembly will be consulted before a decision is taken?

The Honourable Sir Nripendra Sircar: (a) No.

(b) The calculations embodied in the statement annexed to the reply to starred question No. 59 asked on the 23rd January, 1925, indicates that the holding of an autumn Session of normal length in Delhi would be likely to cost approximately Rs. 50,000 more than the holding of the Session in Simla.

(c) Does not arise.

Mr. S. Satyamurti: May I ask if this extra expenditure is based on the calculation that all the Government Members will go to Simla and will have to come back and will be paid so much travelling allowance?

The Honourable Sir Nripendra Sircar: No, Sir. The Members' allowances and the terrible charges for the haulage of motor cars account for this extra expenditure.

Mr. S. Satyamurti: Is all the excess due to that? Is no allowance made in this excess for Government Members travelling from Simla to Delhi?

The Honourable Sir Nripendra Sircar: There is no difference so far as the Government Members are concerned.

Mr. Manu Subedar: Do Government propose to take a referendum of the Members of this House on the question of abandoning the Simla Session?

The Honourable Sir Nripendra Sircar: No, Sir.

Mr. Manu Subedar: May I know what are the serious reasons of policy

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot allow a discussion on this point.

COMPENSATION TO INDIAN MUSLIMS WHO LOST LIFE AND PROPERTY IN THE BURMA RIOTS.

328. *Mr. Akhil Chandra Datta: (a) Will the Secretary for Education, Health and Lands please state what step, if any, Government have taken for obtaining compensation for the Indian Musalmans in Burma who lost life and property during the recent riots in Burma?

(b) What has been the result of such action?

Sir Girja Shankar Bajpai: (a) and (b). Representations regarding payment of compensation have been made to His Majesty's Secretary of State for India who is also the Secretary of State for Burma.

Mr. S. Satyamurti: In view of this answer and in view of the statement, I believe, by the Honourable Member for the Department of Education, Health and Lands, on the recent adjournment motion, may I know from my Honourable friend whether one of the terms of reference to the Braund Committee is the question of the assessment of the damage sustained by Indians during the recent riots and the assessing of the amount of compensation payable to them?

Sir Girja Shankar Bajpai: Sir, according to my reading of the terms of reference of the Committee, the Committee is required to assess the amount of damage done to property. I do not think it is called upon or is empowered to allot any damages. The question of damages will be for the executive Government, I presume, in the light of the findings at which these people arrive.

Mr. S. Satyamurti: May I ask whether the Government of India will draw the attention of His Excellency the Governor of Burma and request him to extend the terms of reference of this Committee so as to assess the compensation to be paid to the Indian victims or other victims of the recent riots and thus save time?

Sir Girja Shankar Bajpai: The question of the payment of compensation was gone into fairly carefully by us at the time when we made the recommendation. We consulted the Governments of the Punjab, the United Provinces, Madras and, in particular, Bombay, where unfortunately such clashes had occurred in the past, in order to ascertain what would be the best procedure for adjudicating or allotting compensation and we came to the conclusion that the best thing would be really to have an *ad hoc* machinery for the purpose of allotting compensation and that is the recommendation that we have made. Besides, in so far as the Braund Committee is concerned, I gather that their deliberations will be soon concluded, either at the end of this month or the beginning of the next.

Mr. S. Satyamurti: Has this *ad hoc* machinery been suggested to the Government of Burma and have they agreed to appoint an *ad hoc* Committee or officer to assess the compensation payable to Indians?

Sir Girja Shankar Bajpai: The *ad hoc* machinery that we have suggested is the one which has been in use in Bombay and other places, namely, a local authority consisting of a District Magistrate or a District Judge as the case may be, but we have not had any answer yet from the Government of Burma as to whether they have accepted this proposal or not.

Maulvi Abdur Rasheed Chaudhury: May I ask what are the total losses that the people have suffered in these Burma riots?

Sir Girja Shankar Bajpai: I have answered that question before, namely, that the losses will presumably be given in the report of the Braund Committee.

Mr. Abdul Qaiyum: Will the Government of India be represented on this Committee?

Sir Girja Shankar Bajpai: We cannot be represented on a multiple number of tribunals. It may be that there will be tribunals in different areas where the damage was inflicted.

Dr. Sir Ziauddin Ahmad: May I ask if any Indian will be associated with these tribunals?

Sir Girja Shankar Bajpai: If you leave the adjudication to tribunals, such as, the District Magistrate or the District Judge, I do not see how an Indian or for the matter of that a Burman can be associated with them. They will be associated as claimants.

Mr. T. S. Avinashilingam Chettiar: Will Government lay on the table of the House a statement giving the information which the Government of Burma may forward after such an authority has been appointed and submitted its report?

Sir Girja Shankar Bajpai: I can assure my Honourable friend that as soon as we have a definite answer from the Secretary of State for Burma, we shall take the House into our confidence.

Mr. Akhil Chandra Datta: What is the total number of Indian Mussalmans who have lost their lives in the riots?

Sir Girja Shankar Bajpai: I have already informed the House that the details of losses of life by communities are not available yet.

RESTRICTIONS ON THE ENTRY OF INDIANS INTO CANADA.

329. *Sardar Mangal Singh: Will the Secretary for Education, Health and Lands please state:

- (a) what restrictions are now being imposed on the entry of Indians into Canada; and
- (b) what steps are being taken to remove them?

Sir Girja Shankar Bajpai: (a) and (b). The attention of the Honourable Member is invited to the reply given by me on the 21st March, 1938, to his starred question No. 879

Mr. K. Santhanam: May I ask whether any reciprocal restrictions are placed on the Canadians on their entry into India?

Sir Girja Shankar Bajpai: I have answered that question on a previous occasion, namely, that the restrictions on the entry of Indians in Canada are limited to their permanent settlement in that country.

Mr. K. Santhanam: Are Canadians restricted from making permanent settlement in India?

Sir Girja Shankar Bajpai: My Honourable friend knows they are not.

Mr. K. Santhanam: Will the Government of India consider the desirability of imposing such conditions on those Canadians who want to settle down in this country?

Sir Girja Shankar Bajpai: The Government of India have considered the question and have come to the conclusion that so far the number of Canadians entering this country for purposes of settlement is practically nil.

Mr. K. Santhanam: May I know whether the Government of India have considered that the self-respect of India is a matter of any consequence?

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot allow that question

Sardar Mangal Singh: May I ask if the Government of India will take up this question with the Colonial Government?

Sir Girja Shankar Bajpai: If my Honourable friend will bring to my notice any hardships that may have arisen with regard to entry into Canada for purposes either of study or trade or tourism, I shall certainly take up the matter with the Government of Canada.

SETTING UP OF AN INDUSTRIAL COUNCIL TO ADVISE ON THE CO-ORDINATION OF LABOUR LEGISLATION, ETC.

330. *Mr. Manu Subedar: (a) Will the Honourable Member for Commerce and Labour please state whether Government have read the discussion on the following resolution at the meeting held in Calcutta last December, of the Employers' Federation of India:

"That having regard to the powers conferred upon the Central and Provincial Governments under the provisions of the Government of India Act, 1935, in respect of legislative measures affecting the regulation of the conditions of labour in industrial undertakings, the Employers' Federation of India recommends to the Government of India that immediate steps be taken, in collaboration with Provincial Governments, to consider the setting up of an Industrial Council, consisting of representatives of employers and of labour and of the Central and Provincial Governments, whose duty it shall be to advise upon the co-ordination of labour legislation and administration throughout British India "

(b) Has this subject engaged the attention of Government?

(c) Have Government received any representation from any other quarter regarding the desirability of co-ordination of labour, legislation and administration throughout British India?

(d) Are Government taking any steps to set up an organization, which would advise Government on the manner and method of such co-ordination?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). Yes.

(d) The whole question of the co-ordination of labour policy is under active consideration.

Mr. Manu Subedar: May I know whether there is any Advisory Committee attached to the Department of the Honourable Member? If so, whether this question will be discussed with the members of this Advisory Committee?

The Honourable Sir Muhammad Zafrullah Khan: I shall take the matter into consideration.

Mr. Manu Subedar: May I know whether it is proposed to invite a small Committee of the House also to assist the Honourable Member in arriving at a satisfactory decision on the subject?

The Honourable Sir Muhammad Zafrullah Khan: I cannot go further than what I have said.

INDIA'S EXPORT TRADE WITH CERTAIN COUNTRIES, ETC.

331. *Mr. S. Satyamurti: Will the Honourable Member for Commerce be pleased to state:

- (a) whether he has examined the figures regarding India's export trade in the report of the Government of India Trade Commissioner at Hamburg for the period July-September, 1938;
- (b) whether it is a fact that India's export trade with several countries mentioned therein has not increased, at least proportionately;
- (c) whether Government have examined, or propose to examine, the trade relations between India and, especially, the countries mentioned in the report; and
- (d) whether Government propose to take up the question of bilateral agreements with these countries; and, if so, when?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes.

(b) I regret that I am unable to understand this part of the question.

(c) and (d). The Honourable Member's attention is invited to parts (f) to (i) of the reply given to Seth Govind Das's starred question No. 336 on the 17th February, 1938, and also to the reply given on the 9th August, 1938, to the earlier of his two supplementary questions arising from Mr. T. S. Avinashilingam Chettiar's starred question No. 46.

Mr. S. Satyamurti: With reference to clause (b) of my question, my question simply means this that, while their trade with our country has increased, our export trade with them has not proportionately increased. May I know if my Honourable friend has examined the figures contained in the report of the Government of India Trade Commissioner in Hamburg and come to any conclusion, confirmatory or contradictory, on this allocation?

The Honourable Sir Muhammad Zafrullah Khan: If I had understood the question. I would have made that examination.

Mr. S. Satyamurti: With reference to the answers to clauses (c) and (d) of the question, may I know whether Government have examined the present trade relations between the countries mentioned in the report and India, and do the Government propose to take any steps to increase the volume of our trade with these countries?

The Honourable Sir Muhammad Zafrullah Khan: As I have assured the Honourable Member on so many occasions when he has put these questions, these matters are under constant review.

Mr. S. Satyamurti: Are any of these countries being considered as suitable countries with which we can conclude bilateral trade agreements for the purpose of mutual trade?

The Honourable Sir Muhammad Zafrullah Khan: It is a little too early to answer categorically.

Dr. Sir Ziauddin Ahmad: May I know whether Government have got figures of our export to Germany passing through the port of Hamburg and also through the ports of Belgium and Holland, for trade to Germany does not pass through Hamburg alone?

The Honourable Sir Muhammad Zafrullah Khan: It is very difficult to say. As the Honourable Member has himself pointed out one aspect of the question I may draw his attention to another aspect of that, *viz.*, that the export to Hamburg is not intended for Germany only but a good deal of it is also for Poland and Czechoslovakia.

DISCRIMINATION AGAINST INDIANS IN SOUTH AFRICA.

332. *Mr. S. Satyamurti: Will the Secretary for Education, Health and Lands be pleased to state:

- (a) whether the attention of Government has been drawn to the following complaints in the article entitled "Colour Bar in South Africa" published in the *Hindustan Times* of the 4th January, 1939;
 - (i) that in industry, trade, labour conditions, housing, slum clearance, etc., the position of Indians has deteriorated substantially;
 - (ii) that the Cape Town Agreement recognised the justice of the Indian claim for full citizenship when Indians satisfied the Government that their standard of life, etc., accorded with those of the European whites, and whether to any extent this agreement has been implemented;
 - (iii) that the Indians in the Union paid Union and provincial taxes on the same basis as Europeans but got very little in return in the shape of public services;
 - (iv) that the Provincial Council made a profit out of Indian children, a profit which was used to further European education in the province; and
- (b) whether Government propose to examine these complaints and take any steps to have them redressed as early as possible?

Sir Girja Shankar Bajpai: (a) Yes.

(a) (i). This must largely be a matter of opinion. Apart from the knowledge that notwithstanding an improvement in the conditions of service and the wages of Indian employees, the number of Indians employed in industry has decreased, Government have no definite evidence of substantial deterioration in the other spheres mentioned by the Honourable Member.

(ii) No.

(iii) Indians pay taxes on the same basis as Europeans. The Government of India are aware of complaints that as regards the public amenities they do not get an adequate return.

(iv) For many years, the Provincial Government of Natal did not spend the entire amount of the subsidy received from the Union Government on Indian education in the province; but the situation in this respect has greatly improved in recent years.

(b) Government and their Agent General in the Union are constantly engaged in the task of securing an improvement in the condition of Indians resident in the Union of South Africa.

Mr. S. Satyamurti: With reference to part (a) (i) of the question, may I know whether the Government of India are or are not aware that in respect of housing and slum clearance the position of Indians has substantially deteriorated as the authorities who are responsible for this expenditure do not spend at any rate even a proportionate amount on improving housing and slum clearance in which Indians live?

Sir Girja Shankar Bajpai: Actually, I believe in recent years the question of slum clearance has been receiving more attention than was the case in the past.

Mr. S. Satyamurti: With reference to part (a) (ii) of the question, may I know what the answer "no" means? Does it mean that the "Cape Town Agreement recognised the justice of the Indian claim for full citizenship when Indians satisfied the Government that their standard of life, etc., accorded with those of the European whites" or does that "no" mean that the agreement has not been implemented?

Sir Girja Shankar Bajpai: What I wished to convey was that in the agreement there is no reference to equality of citizenship.

Mr. S. Satyamurti: May I know whether the report does not recognise that the standard of life of Indians should be raised to the standard of living of other inhabitants of that territory?

Sir Girja Shankar Bajpai: Yes, Sir. The agreement did recognise that the Indians who wished to conform to western standards of living should be enabled to do so; but I read the question as relating to political rights.

Mr. S. Satyamurti: May I know whether anything has been done by Government to implement to any satisfactory extent the recommendations or the clause of the agreement which at least wanted that Indians who wanted to conform to European standards must be helped to do so by sufficient public expenditure?

Sir Girja Shankar Bajpai: In regard to education, I have already stated the position. As regards other matters, it is not easy to say what happened in the course of the last eleven years. But let me concede at once that progress has not been at the rate at which we should like it to be.

Mr. S. Satyamurti: In the case of education in which my Honourable friend stated that the Provincial Governments did not spend all the grants given by the Government of South Africa for the education of Indian children, may I know whether the entire amount is being spent now or only a larger amount than before, and even now the Provincial Councils continue to make profit on the money set apart for the education of Indian children?

Sir Girja Shankar Bajpai: I do not think that is the position. I am speaking from memory, but I should be disposed to say that in the last three or four years, the grants have been of the order of nearly £70,000. They vary from year to year, but they have been of the order of £70,000 per annum and practically the whole of this amount has been spent.

Mr. Manu Subedar: May I know whether Government have considered the desirability of conveying to the South African Government through the Agent General for India that the necessity may arise for India to take retaliatory measures if the grievances of Indians are not redressed?

Sir Girja Shankar Bajpai: I can assure my Honourable friend that the Agent General in South Africa uses every influence that he can to bring to bear upon the Union Government to secure amelioration in the position of Indians there.

Mr. Manu Subedar: Will the Honourable Member convey this to the Agent General, that just as the Honourable Sir Jagdish Prasad said in the case of Burma, that necessity may become inevitable for the Government of India to take retaliatory measures if something suitable is not done for the amelioration of the position of Indians in South Africa?

Sir Girja Shankar Bajpai: I cannot say what the Agent General tells the Ministers of the Union at every interview

Mr. T. S. Avinashilingam Chettiar: With reference to part (a) (iii) may I know what steps have been taken?

Sir Girja Shankar Bajpai: It is rather difficult to review what has been done in the course of the last eleven years. I wish that my Honourable friend pays some attention to the report of the Agent General which is published every year and which seeks to set out what action has been taken in different directions.

Mr. S. Satyamurti: May I know whether the Government of India will suggest to the Agent General the issue of quarterly reports on these specific points which are mentioned in this question, and may I know if copies of such reports will be placed on the table of the House while the House is in session or circulated to Honourable Members when the House is not in session, as the House and the country are very deeply interested in this question?

Sir Girja Shankar Bajpai: I fully recognise and realise the fact that the House is deeply interested in this question. The report of the Agent General is a fairly bulky document and I think my Honourable friend would

agree that it is not desirable to encumber the proceedings of the House with the republication of that report. If my Honourable friend likes, I will send him a copy and he will see for himself that practically every question, political or economic, that affects the Indian community there is dealt with in fair fullness in these reports.

JUTE EXPORT TRADE OF INDIA.

333. *Mr. S. Satyamurti: Will the Honourable the Commerce Member be pleased to state:

- (a) whether Government have examined the future of the jute export trade of India; and
- (b) what are the latest figures and the latest information available with regard to the substitution of other products for jute?

The Honourable Sir Muhammad Zafrullah Khan: (a) It is a matter to which Government pay constant attention.

(b) The Honourable Member is referred to Bulletins Nos. 1 and 6 to 10 issued by the Indian Central Jute Committee, copies of which are in the Library of the Legislature.

Mr. S. Satyamurti: May I know if the Government of India are aware of the fact that His Majesty's Government have recently placed a very large order for the export of jute bags from this country?

The Honourable Sir Muhammad Zafrullah Khan: Yes, Sir.

Mr. S. Satyamurti: May I know whether the contract has been concluded and if so for what quantity?

The Honourable Sir Muhammad Zafrullah Khan: I understand the quantity is 200 million bags.

Mr. S. Satyamurti: Has the jute industry agreed to accept the contract?

The Honourable Sir Muhammad Zafrullah Khan: I believe so, Sir.

Mr. K. Santhanam: May I know whether the German Government have also placed similar orders?

The Honourable Sir Muhammad Zafrullah Khan: I am not aware.

PROTECTION TO THE COCOANUT INDUSTRY OF MALABAR AND TRAVANCORE.

334. *Mr. S. Satyamurti: Will the Honourable the Commerce Member be pleased to state:

- (a) whether his attention has been drawn to an article entitled "A Minister's Appeal" in *The Madras Mail* of the 5th January, 1939;
- (b) whether Government have considered the question of providing adequate protection for the cocoanut of Malabar and of Travancore; and

- (c) whether Government propose to appoint a Tariff Board to inquire into this matter and make suitable recommendations; if so, when, and, if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes, Sir.

(b) I would refer the Honourable Member to the answer given by me today to Mr. Avinashilingam Chettiar's question No. 310.

(c) Does not arise.

Mr. S. Satyamurti: Are the Government considering the question of appointing a Tariff Board, apart from other means of giving protection specifically to agricultural industry?

The Honourable Sir Muhammad Zafrullah Khan: There are all sorts of suggestions and I am not excluding that altogether.

CONSTITUTION OF A PERMANENT TARIFF BOARD.

335. *Mr. S. Satyamurti: Will the Honourable the Commerce Member be pleased to state:

- (a) the present status of the Tariff Board office and of the Tariff Board itself;
- (b) whether the Board has been "abolished" in any sense;
- (c) whether Government have decided not to appoint Tariff Boards for some time, and, if so, why;
- (d) what is the establishment kept up now in connexion with the Tariff Board inquiries; and
- (e) whether Government have finally decided against the question of having a permanent Tariff Board, likely to command the confidence of the public in the country and, if so, for what reasons?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b), (d) and (e). I would refer the Honourable Member to the answers given today to parts (a), (b) and (d) of Seth Govind Das's question No. 323 which was put by the Honourable Member himself today.

- (c) The Tariff Board will be reconstituted when the need arises.

POSITION REGARDING FEDERATION.

336. *Mr. Mohan Lal Saksena: (a) Will the Honourable the Leader of the House be pleased to state if Government have conveyed to the Secretary of State for India the strength of feeling against the proposed Federation?

(b) Have Government received the views of the various Provincial Governments in the matter and, if so, how many of them are in favour of the proposed Federation?

(c) What is the latest position of the Indian States regarding the Federation? How many of them have executed the Instrument of Accession?

(d) Will Government state their future intentions as well as plans in this matter?

The Honourable Sir Nripendra Sircar: (a) The Secretary of State is aware of the attitude of the Political parties in India towards Federation.

(b) The Honourable Member's attention is invited to the reply given to parts (a) and (b) of Sardar Mangal Singh's starred question No. 41 on the 9th August, 1938.

(c) and (d). I refer the Honourable Member to the reply I gave to Mr. T. S. Avinashilingam Chettiar's question No. 34 on the 4th February, 1939.

Mr. Manu Subedar: Is it a fact that some leading Indian States are pressing the Government of India by telegram to expedite the Federation?

The Honourable Sir Nripendra Sircar: The answer which I gave to parts (c) and (d) covers this question.

Mr. S. Satyamurti: With reference to part (b), may I know if any Provincial Government has expressed itself in favour of this Federation, and, if so, which is that Government?

The Honourable Sir Nripendra Sircar: That question, with all particulars, was answered at full length when Sardar Mangal Singh asked starred question No. 41 on the 9th August, 1938.

Mr. S. Satyamurti: In that answer, there was no reference to some Provincial Governments. I am asking whether since that answer was given, any Provincial Government in India has expressed itself in favour of the Federation and, if so, which?

The Honourable Sir Nripendra Sircar: Whatever answer was given last time stands, and there was no change after that.

Mr. Badri Dutt Pande: Is it a fact that because of the agitation for responsible government in the States the princes are backing out of the Federation?

The Honourable Sir Nripendra Sircar: That is a fable, and not a fact.

Mr. Badri Dutt Pande: Is it a fact that being tired of this business of Federation, the Honourable Member is going away to Calcutta?

Mr. S. Satyamurti: May I know if any Provincial Government has written to the Government of India expressing its opinion in favour of Federation?

The Honourable Sir Nripendra Sircar: I have nothing to add to the answer I gave to question No. 41.

Mr. S. Satyamurti: That answer was not comprehensive.

The Honourable Sir Nripendra Sircar: It was quite comprehensive.

Mr. S. Satyamurti: May I take it that no Government is in favour of Federation?

The Honourable Sir Nripendra Sircar: My friend may draw any conclusion he likes from the answer I have referred to.

Mr. S. Satyamurti: The inference I draw is that no Government is in favour.

Mr. President (The Honourable Sir Abdur Rahim): Next question.

EXTENSION OF THE LIFE OF THE LEGISLATIVE ASSEMBLY.

337. *Mr. Mohan Lal Saksena: (a) Will the Honourable the Leader of the House be pleased to state if their advice is taken by the Governor General before extending the life of the Assembly? If so, what advice did they give last time?

(b) Do they propose to advise the Governor General to grant further extension to the life of the present Assembly?

The Honourable Sir Nripendra Sircar: (a) and (b). I regret that I have to decline to furnish any information in reply to this question.

Mr. Mohan Lal Saksena: Why, Sir? Is it not in the public interest?

The Honourable Sir Nripendra Sircar: Because I submit the House is not entitled to know what the confidential communications, if any, between different Members of Government or between different Members of Government and other people are.

Mr. Mohan Lal Saksena: Are we not even entitled to know whether Government are consulted before the life of the Assembly is extended?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has asked as to what advice has been given, and the Leader of the House is perfectly justified in refusing to disclose it.

Mr. Abdul Qaiyum: Is it intended to hold a surprise election?

Mr. President (The Honourable Sir Abdur Rahim): Order, order; next question.

Mr. Abdul Qaiyum: Sir, we are interested in the matter of this election, and we do not want the Government to spring a surprise on us.

Mr. President (The Honourable Sir Abdur Rahim): There is no question of a surprise. Next question.

MEASURES TO PREVENT THE FALL IN PRICE OF RICE AND PADDY.

338. *Mr. Brojendra Narayan Chaudhury: Will the Honourable Member for Commerce please state:

(a) whether the Government of Bengal are in correspondence with the Central Government regarding measures to prevent the fall in price of rice and paddy; if so, what assistance they have asked for from the Central Government;

(b) whether protective duty on imported rice and paddy is under contemplation or discussion; and

- (c) whether Government know if the Government of Bengal have taken any steps towards preventing a fall in price of paddy and rice; if so, what?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). No, Sir.

DELAY IN HOLDING ELECTIONS TO THE TEA LICENSING BOARD.

339. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Commerce Member please state:

- (a) whether the results of election to the Tea Licensing Board have been announced, and whether the elected members have taken their seats on the Committee;
- (b) if not, the reasons for the delay in spite of the Honourable Member's assurances, repeated in this House on the occasion of admission of an adjournment motion against failure of the election as also in reply to several questions in the last Simla Session of the Assembly, that the elections will be completed in a month or so; and
- (c) whether the Licensing Committee has finished, or propose shortly to finish, in the absence of the elected members, the determination of crop basis and whether this determination will be final for the five years, i.e., during the whole period of pendency of the Tea Control Act?

The Honourable Sir Muhammad Zafrullah Khan: (a) No.

(b) Several representations were received by Government alleging certain irregularities in connection with the election. These allegations required careful investigation before the results of the election could be announced.

(c) The allotment has been made, but the decision of the Committee is not necessarily final. I would invite the Honourable Member's attention to sub-section (2) of section 7 of the Indian Tea Control Act, 1938, which gives owners of tea estates a right of appeal to the Central Government or to a High Court.

Mr. Brojendra Narayan Chaudhury: May I know how long ago the complaints about the election were received by the Government of India?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I have not got the dates here.

Maulvi Abdur Rasheed Chaudhury: May I know what time Government will take to decide the objections?

The Honourable Sir Muhammad Zafrullah Khan: They will be decided as soon as possible.

Mr. Brojendra Narayan Chaudhury: Is it a fact that the elections were finished as late ago as November?

The Honourable Sir Muhammad Zafrullah Khan: I have not got the month here.

Mr. Brojendra Narayan Chaudhury: What is the cause of this inordinate delay in deciding the election and the Honourable Member's ignorance of even the date of the election and the date when complaints were received?

The Honourable Sir Muhammad Zafrullah Khan: There is no inordinate delay. As I have said, these objections require careful investigation before the result can be announced.

Mr. Brojendra Narayan Chaudhury: Is it not a fact that the Honourable Member gave an assurance in the Simla Session in August last that the elections were expected to be finished within a month?

The Honourable Sir Muhammad Zafrullah Khan: The elections have been finished.

Mr. Brojendra Narayan Chaudhury: But they were finished in November and not within a month.

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member is objecting to the delay of a few days I am not quite sure that they were finished in November.

Mr. Brojendra Narayan Chaudhury: Will the Honourable Member please tell us what reliance we can place on guarantees given in this House by Honourable Members on the Treasury Benches?

The Honourable Sir Muhammad Zafrullah Khan : I do not think the Honourable Member has any justification for making any insinuation of that kind.

THEFT IN THE DELHI FORT MUSEUM.

340. *Sardar Mangal Singh: Will the Secretary for Education, Health and Lands please state :

- (a) whether it is a fact that burglars broke into the Delhi Fort Museum and stole away cloth and ornaments of Zinnat Nissa Begam ;
- (b) whether the offenders have been arrested ; and
- (c) whether the stolen articles have been recovered ?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). No.

Mr. K. Santhanam: May I know who are the persons who are bound to guard these articles in the museum and whether they have been surcharged the cost of these articles?

Sir Girja Shankar Bajpai: They are ordinary chowkidars. They were not surcharged but one of them has been suspended.

Sardar Mangal Singh: May I know whether these articles have been replaced?

Sir Girja Shankar Bajpai: How can you replace the irreplaceable?

CONTRIBUTIONS FOR THE REPAIRS OF THE SHAHI MOSQUE, LAHORE.

341. *Sardar Mangal Singh: Will the Secretary for Education, Health and Lands please state .

- (a) what amount the Government of India have contributed towards the repairs of the Shahi Mosque, Lahore;
- (b) to whom the amount has been made over; and
- (c) whether Government have satisfied themselves that the amount in question will be properly spent?

Sir Girja Shankar Bajpai: (a) and (b). The Government of India propose to contribute a sum not exceeding Rs. 3 lakhs. The amount will be paid to the Badshahi Mosque Building and Estates Authority which will be constituted in terms of an agreement to be executed by the Anjuman-i-Islamia, Punjab, with the Government of India.

(c) Yes.

REPORT OF THE TENTH INDUSTRIAL CONFERENCE AND HOLDING OF THE ALL-INDIA INDUSTRIAL FAIR.

342. *Sardar Mangal Singh: Will the Honourable the Commerce Member please state :

- (a) when the report of the Tenth Industrial Conference will be published;
- (b) where the All-India Industrial Fair would be held this year or whether it would be at all anywhere; and
- (c) what is the estimate of expenses on this Fair?

The Honourable Sir Muhammad Zafrullah Khan: (a) I am unable to specify a date but the report will be published as early as possible.

(b) and (c). Presumably the Honourable Member is referring to the question of holding an annual All-India Industrial Fair which was discussed at the Tenth Industries Conference. If so, I would invite his attention to the Press Note issued on the 24th January, 1939, copies of which are available in the Library of the House.

ANTI-INDIAN DISTURBANCES IN BURMA.

343. *Mr. Abdul Qaiyum: Will the Secretary for Education, Health and Lands please state :

- (a) whether any anti-Indian disturbances took place in Burma from the 1st November, 1938, till the 31st January, 1939;
- (b) if so, how many Indians were killed and wounded; and
- (c) the estimated loss of the property suffered by Indians?

Sir Girja Shankar Bajpai: (a) and (b). The attention of the Honourable Member is invited to the reply given by me on the 8th instant to Mr. T. S. Avinashilingam Chettiar's starred question No. 191.

(c) I informed the House on the 4th of this month of the disturbances affecting Indians that had occurred during the period mentioned by the Honourable Member, as also of available figures of casualties. Estimates

of the loss to property are not available but the Agent has been requested to enquire into the matter personally and submit a report as soon as possible.

LOSS OF PROPERTY SUSTAINED BY INDIANS IN BURMA.

344. *Mr. Abdul Qaiyum: Will the Secretary for Education, Health and Lands please state :

- (a) whether any estimate has been made of the loss of property sustained by Indians in Burma in 1938;
- (b) whether any compensation has been paid by the Government of Burma to such Indians; if so, how much; and
- (c) whether representations were made by the Government of India in this connection and, if so, with what effect?

Sir Girja Shankar Bajpai: (a) No official estimate of the loss of Indian property in Burma is yet available. The question, as I have stated, is to be dealt with in the Braund Committee's final report.

(b) and (c). The attention of the Honourable Member is invited to the reply given by me today to Mr. Akhil Chandra Datta's starred question No. 328.

Mr. M. Thirumala Rao: With regard to part (a) of the question, have Government any idea as to the non-official estimate of the loss involved?

Sir Girja Shankar Bajpai: I understand that in the memorandum which was presented to the Braund Committee the figure was mentioned at something like 60 lakhs.

Mr. M. Thirumala Rao: Have Government tried to verify its correctness or otherwise?

Sir Girja Shankar Bajpai: We cannot be expected to do over again the work of the Braund Committee.

MILITARY SENT TO CUTTACK FOR MAINTENANCE OF LAW AND ORDER IN ORISSA STATES.

345. *Mr. Badri Dutt Pande: (a) Will the Honourable the Leader of the House be pleased to state as to how much military has been sent to Cuttack for the maintenance of law and order in Orissa States, and under whose orders?

(b) Who will meet the bill, the Government of India or the States?

(c) Under whose orders will the military act, the Governor of Orissa or the Government of India?

The Honourable Sir Nripendra Sircar: (a) One battalion with the normal ancillary services under the orders of the General Officer Commanding-in-Chief, Eastern Command.

(b) The question of the allocation of cost is under consideration.

(c) The troops will act under the orders of their own officers who will keep in the closest touch with the Political and Provincial officers concerned.

Mr. M. Thirumala Rao: With regard to part (b) of the question, are Government legally bound to pay the cost of these troops?

The Honourable Sir Nripendra Sircar: That is a question of law on which I am not called upon to give any opinion.

Mr. S. Satyamurti: With reference to part (a) of the question, may I know who decides the question of sending or not sending of these troops, the extent and the number of troops to be sent, and whether the Government of India consider this question from all relevant points of view, or whether they send them the moment any ruler of a State asks for these troops?

The Honourable Sir Nripendra Sircar: The authority responsible is the Government of India and they take into consideration whatever relevant factors have any bearing on either the number or even the necessity of sending these troops.

Mr. S. Satyamurti: May I take it, therefore, that the ultimate decision is that of the Government of India, and if so, whether the Government of India do consider the non-violent nature of the movement in the various States and the autocracy of the princes, before they decide to send or not to send these troops?

The Honourable Sir Nripendra Sircar: I do not admit either of the two propositions, that autocracy exists in all the States or that the people are non-violent.

Mr. S. Satyamurti: I am not asking my Honourable friend to assume that with regard to all the States. With regard to the States for the help of whose rulers these troops are sent, may I know whether Government have considered these two relevant considerations, first that the rulers are autocratic, and secondly that the movements are non-violent?

The Honourable Sir Nripendra Sircar: Both the alleged autocracy of the rulers and the violence of the people are taken into consideration.

Mr. S. Satyamurti: May I take it then that the ultimate consideration on which Government decided to send troops was when they are satisfied that the rulers are responsive and the movements are violent?

The Honourable Sir Nripendra Sircar: I am afraid it cannot be analysed and dissected like that. All considerations have to be taken into account and then a decision arrived at.

Mr. S. Satyamurti: May I know whether this obligation is an obligation cast on the Paramount Power by any treaty or by any convention?

The Honourable Sir Nripendra Sircar: Convention with whom?

Mr. S. Satyamurti: Between the States and the Government of India.

The Honourable Sir Nripendra Sircar: That means that I have got to look up three hundred odd treaties and find out whether there are any conventions.

Mr. S. Satyamurti: I am asking only with regard to the sending of troops to the Orissa States: I am not asking with regard to all the States.

The Honourable Sir Nripendra Sircar: I cannot answer that without looking up the treaties and without notice.

Mr. S. Satyamurti: How are these troops sent? Under what obligation were these troops sent?

The Honourable Sir Nripendra Sircar: Surely the treaty must have been looked into; but I do not carry them in my head.

Mr. S. Satyamurti: That is the question.

PRODUCTION OF ACETONE IN INDIA.

346. *Mr. Manu Subedar: (a) Will the Honourable the Commerce Member please state whether it is a fact that acetone was produced at the Nasik Distillery when it was in charge of the Government of India? If so, during what period was it produced? What was the quantity produced and was any of it at any time exported?

(b) Is any acetone now produced in India anywhere in a plant in charge of the Government of India?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes. From the information available it appears that acetone was produced at the factory from September, 1919, to January, 1922, and that the total quantity produced was 142 tons of which nothing was exported.

(b) Yes.

Mr. Manu Subedar: At which place is it produced now by the Government of India?

The Honourable Sir Muhammad Zafrullah Khan: It is produced in the Government of India's cordite factory.

Mr. Manu Subedar: Located where?

The Honourable Sir Muhammad Zafrullah Khan: At Aravankadu.

RECRUITMENT OF A PROFESSOR FOR THE IMPERIAL INSTITUTE OF SUGAR TECHNOLOGY, CAWNPORE.

347. *Pandit Sri Krishna Dutta Paliwal: (a) Will the Education Secretary be pleased to state if his attention has been drawn to a communication issued by the Federal Public Service Commission, under the caption "Information for candidates," dealing with recruitment of Professor of Sugar Technology, Imperial Institute of Sugar Technology, Cawnpore, General Central Service, Class I?

(b) Will the Education Secretary be pleased to state if it is a fact that:

(i) Indian experience is discounted in the recruitment of a Professor referred to above; and

(ii) the name of India is entirely omitted in the list of countries given in Appendix I of the above mentioned communication?

(c) Will the Education Secretary be pleased to state if it is a fact that:

(i) in Java and other sugar producing countries Indians are not allowed to enter sugar factories; and

(ii) Dutch technicians are freely employed in India?

(d) If the answer to part (c) be in the affirmative, do Government propose to take steps to remedy these defects and introduce reciprocity?

Sir Girja Shankar Bajpai: (a) Yes.

(b) (i). No. It is specifically stated that preference will be given to a candidate with teaching experience in a University or Technical Institution in India or abroad.

(ii) Yes. For this professorship foreign experience is essential since the whole object is to train Indians in the most modern methods of sugar manufacture used in any part of the world.

(c) (i). This is generally correct—though exceptions have been made.

(ii) Yes, by Indian factories which desire to introduce Java methods.

(d) No. No question of reciprocity arises since the employment of Dutch technicians in Indian sugar factories is in no way an advantage to Java.

ELECTION OF A NON-OFFICIAL CHAIRMAN TO THE BEAWAR MUNICIPAL COMMITTEE.

348. *Prof. N. G. Ranga: (a) Will the Secretary for Education, Health and Lands be pleased to state if Government are aware that the Chief Commissioner of Ajmer-Merwara issued a notification No. 147-C. 1/CC/30, dated the 17th October, 1930, depriving the Beawar Municipality of its right to elect a non-official Chairman, and if so, who is the Chairman now?

(b) Is it not a fact that the Beawar Municipal Committee, *vide* its resolution No. II, dated the 28th October, 1937, requested the Chief Commissioner, Ajmer-Merwara, to cancel the notification No. 147-C. 1/CC., dated the 17th October, 1930, and to restore to that Committee its statutory right under section 13(I) of the Ajmer-Merwara Municipalities Regulation No. VI of 1925, and if so, why?

(c) Was the cancellation of the notification No. 147-C. 1/CC., dated the 17th October, 1930, of the Chief Commissioner, Ajmer-Merwara, demanded by the public of Beawar, and a resolution to that effect was passed and forwarded to the Chief Commissioner, Ajmer-Merwara, early in 1937?

(d) Do Government now propose to consider the advisability of restoring to the Beawar Municipal Committee its right to elect its own Chairman?

Sir Girja Shankar Bajpai: (a) Yes. The Chairman at present is the Extra Assistant Commissioner.

(b) As regards the first part the answer is in the affirmative; as regards the second part Government have no information as to the reasons which led the Municipal Committee to pass the resolution.

(c) Information has been called for and will be laid on the table of the House in due course.

(d) The right of the Municipal Committee to elect their own Chairman will be restored when the local authorities are satisfied that the circumstances would justify such a step.

†Answer to this question laid on the table, the questioner being absent.

RESEARCHES ON INDUSTRIAL HEALTH ENTRUSTED TO THE INDIAN RESEARCH FUND ASSOCIATION.

†349. ***Prof. N. G. Ranga:** (a) Will the Honourable Member for Labour be pleased to state whether any specific problem relating to research work in connection with the health of industrial labour has been entrusted to the Indian Research Fund Association?

(b) If not, will Government state whether they propose to urge upon the authorities of the Indian Research Fund Association to undertake research on the subject of industrial health as early as possible?

Sir Girja Shankar Bajpai: (a) and (b). Although the Indian Research Fund Association has not considered any specific problem solely affecting industrial labour, various research schemes for the investigation of diseases prevalent in certain industrial centres have been financed by the Association. Two such schemes at present in progress are an enquiry into tuberculosis as affecting the workers in a jute mill and an enquiry into anæmia among female labourers in Assam tea gardens.

DIFFICULTIES EXPERIENCED BY INDIAN SUGAR-CANE GROWERS OF FIJI REGARDING RENEWALS OF LEASES OF LANDS.

350. ***Mr. K. Santhanam:** Will the Secretary for Education, Health and Lands, please state:

- (a) whether Indian sugarcane growers of Fiji are experiencing difficulties in regard to the renewals of the leases of their lands;
- (b) whether any representations have been received by the Government of India in this behalf; and
- (c) whether the Government of India made any representations to the Government of Fiji in regard to this matter and, if so, with what results?

Sir Girja Shankar Bajpai: (a) and (c). On the assumption that the Honourable Member's question relates to the anxiety of Indian lessees in Fiji regarding the security of tenure of their lands, I would say that such anxiety has existed for some time and the matter has been receiving attention.

(b) Yes.

IMPOSITION OF AN IMPORT DUTY ON RICE AND PADDY.

351. ***Mr. K. Santhanam:** Will the Honourable Member for Commerce please state:

- (a) whether there has been a sudden rush of imports of rice and paddy into the Madras Presidency during the last three months;
- (b) whether any representations have been received from the Government of Madras to impose an import duty on such rice and paddy; and
- (c) whether the Government of India have decided to take any steps in the matter?

The Honourable Sir Muhammad Zafrullah Khan: (a) No. Import figures for January, 1939, are not yet available, but imports for November

†Answer to this question laid on the table, the questioner being absent.

and December, 1938, show a decline as compared with those of the corresponding period of the previous year.

(b) and (c). A communication was received from the Provincial Government on the subject of imports of rice into Madras and is under consideration.

Mr. K. Santhanam: May I know whether Government are aware that a large number of forward contracts have been entered into for the imports of rice into the Madras Presidency?

The Honourable Sir Muhammad Zafrullah Khan: No.

Mr. K. Santhanam: May I know if Government will make inquiries about this and take steps to prevent any rush of imports?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid that is too large an order.

Mr. T. S. Avinashilingam Chettiar: May I take it that Government will come to a conclusion in this matter before the Budget Session is out, so that they can bring in a Bill to that effect if necessary?

The Honourable Sir Muhammad Zafrullah Khan: I have answered that question in answer to a previous question this morning.

Mr. S. Satyamurti: May I know whether, in the communication of the Government of Madras which my Honourable friend mentioned, there is any recommendation or recommendations for taking definite steps by the Government of India in respect of this matter?

The Honourable Sir Muhammad Zafrullah Khan: I believe there are recommendations.

Mr. S. Satyamurti: Do they recommend the levying of any import duty or any other step to prevent this rush of imports into the Madras Presidency?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I could not tell the Honourable Member that.

Mr. S. Satyamurti: Are the Government of India examining the recommendations of the Madras Government?

The Honourable Sir Muhammad Zafrullah Khan: I have said that already.

SCHOLARSHIPS GRANTED TO CADETS FOR MARINE TRAINING.

352. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Commerce Member please state:

- (a) the number of scholarships granted this year to cadets for marine training, the names of the scholarship holders, the Province they come from and the amounts;

- (b) the number admitted this year from each of the various Provinces; and
- (c) whether candidates from the States are also admitted; if so, whether the States contribute anything towards the cost of the training?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). I lay on the table a statement giving the desired information.

(c) The answer to the first part is in the affirmative and to the second in the negative.

Statement.

(i) Number and value of scholarships awarded in 1939...6 each of the value of Rs. 25 per mensem.

(ii) Names and Province of origin of scholars :—

Names.	Province of origin.
W. S. Nagarkar	Bombay.
P. D. Padhye	Central Provinces.
A. A. Bootwalla	Bombay.
P. A. Zaveri	Bombay.
A. T. Joseph	Cochin.
B. M. Doshpande	Central Provinces.

(iii) Number of cadets admitted from each Province or Indian State :—

Number of cadets admitted.	Province or Indian State.
3	Madras.
9	Bombay.
4	Bengal.
7	United Provinces.
5	Punjab.
3	Central Provinces.
1	Assam.
3	Sind.
1	Baroda.
1	Hyderabad (Deccan).
1	Travancore.
2	Cochin.

Total 40

Mr. S. Satyamurti: May I know why States are not called upon to contribute something towards this training?

The Honourable Sir Muhammad Zafrullah Khan: The training ship was started for the benefit of the whole of India: and really it is too small a matter to agitate about.

Maulvi Abdur Rasheed Chaudhury: May I know whether any scholarship was given to any cadet from Assam this year?

The Honourable Sir Muhammad Zafrullah Khan: The list I have laid on the table contains the desired information on this subject—the provinces to which the cadets belong who have been awarded scholarships.

Maulvi Abdur Rasheed Chaudhury: Is it not a fact that no scholarship has been yet given to any cadet from Assam?

The Honourable Sir Muhammad Zafrullah Khan: Scholarships are not given according to provinces, except those awarded by any particular Government—*e.g.*, the Bengal Government has two or three scholarships for Bengali cadets.

SIR THOMAS AINSCOUGH'S REMARKS REGARDING INDIA'S FINANCIAL AND ECONOMIC FABRIC.

353. *Mr. M. Thirumala Rao: (a) Has the attention of the Honourable the Commerce Member been drawn to Reuter's summary of the Report of Sir Thomas Ainscough, Senior Trade Commissioner in India published in the *Hindu*, dated the 13th January, 1939?

(b) If so, has the Honourable Member given due consideration to the remarks that India's rapid industrial development leads to a 'collapse of the financial and economic fabric of the Government of India, which is dependent upon the excess balance of exports in order to meet India's financial commitments in London and maintain the Exchange'?

(c) What are the conclusions of the Honourable Member on such consideration of those remarks?

(d) Do Government accept the principles laid down in the report for maintenance of their economic fabric and the rate of exchange?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes.

(b) This question is based on a complete misapprehension of the remarks of His Majesty's Senior Trade Commissioner in India.

(c) and (d). Do not arise.

Mr. S. Satyamurti: Is it not a fact that the Senior Trade Commissioner in India did say that there will be a collapse of the financial and economic fabric of the Government of India, if there is too rapid an industrial development in this country?

The Honourable Sir Muhammad Zafrullah Khan: I do not know that those were the exact words. The exact words had some reference to policies being advocated in certain quarters—not to a rapid industrial development merely.

Mr. S. Satyamurti: May I know whether these policies did not include, in the words of the Trade Commissioner himself the very rapid industrial development of this country advocated by the several Provincial Governments and by the various other bodies in this country?

The Honourable Sir Muhammad Zafrullah Khan: The question is really academic. As the Honourable Member is aware, we had a large number of questions on this before and I said the Government of India did not accept the remarks of the Senior Trade Commissioner.

Mr. S. Satyamurti: I accept that; but I am only asking this question because my Honourable friend said in answer to clause (b) that 'his is based on a misapprehension of the Trade Commissioner's remarks. May I know what is the *apprehension* of the Government of India with regard to those remarks about the financial and economic collapse of the future of India if certain policies advocated by our own Governments are given effect to?

The Honourable Sir Muhammad Zafrullah Khan: The misapprehension is illustrated by the Honourable Member himself in putting these supplementary questions, he said "too rapid a development", while the question says "rapid development".

APPLICATIONS INVITED FOR THE POST OF A VETERINARY INVESTIGATING OFFICER, ASSAM.

353A. *Mr. Brojendra Narayan Chaudhury: Will the Secretary for Education, Health and Lands please state :

- (a) whether applications for the post of a Veterinary Investigating Officer for Assam have been called for;
- (b) the emoluments attached to the post, terms of tenure and other terms if any, of the post;
- (c) who pays for the same;
- (d) who makes the final appointment; if it is the Government of India, the hand, if any, of the Provincial Government in the matter of appointment;
- (e) the minimum qualifications required;
- (f) whether any domiciles in or natives of the Province have applied; and
- (g) whether a qualified domicile in or native of the Province will be given preference in view of the fact that he is familiar with the country, its people and its language?

Sir Girja Shankar Bajpai: (a) Yes.

(b), (c) and (e). The scale of pay of the post is Rs. 350—25—500. It is a non-pensionable temporary appointment under the Government of Assam on the scheme of investigation of animal diseases in the province financed by the Imperial Council of Agricultural Research and sanctioned, in the first instance, up to the 31st March, 1940. It is open to British subjects of Indian domicile and subjects of Indian States who have

secured the necessary declaration. The qualifications required for the post are (i) M. R. C. V. S. or the Diploma of a recognised Indian Veterinary College; (ii) a first class degree in science preferably M.Sc., and (iii) experience in laboratory work. The condition mentioned in (ii) will be relaxed in the case of candidates who are particularly well qualified in regard to (i) and (iii).

(d) The Provincial Government on the recommendation of the Federal Public Service Commission. It is an ordinary condition attached to the Council's grant that the Provincial Government should offer the appointment in the order of merit prescribed by the Federal Public Service Commission.

(f) This information cannot be supplied, as the matter is now in the hands of the Federal Public Service Commission. The last date for submitting applications is February 14, 1939.

(g) No. Under the conditions of the grant, the appointment will have to be offered strictly in the order of merit determined by the Federal Public Service Commission.

UNSTARRED QUESTIONS AND ANSWERS.

ELECTRICAL POWER AND METAL CONSUMED AND PAPER AND RADIO SETS USED IN INDIA AND IN THE UNITED KINGDOM.

5. Mr. Akhil Chandra Datta: Will the Honourable the Commerce Member please state the following figures:

- (a) units of electrical power consumed per head in India and in the United Kingdom;
- (b) quantity of paper used per head in India and in the United Kingdom;
- (c) quantity of metal consumed per head in India and in the United Kingdom; and
- (d) the number of radio sets used in India and in the United Kingdom?

The Honourable Sir Muhammad Zafrullah Khan: (a) The information asked for is not available.

(b) The quantity of paper used per head in India during 1937 was 1.27 lbs. Similar information regarding the United Kingdom is not available.

(c) A statement showing figures of Indian consumption so far as available is appended. Information in regard to the United Kingdom is not available.

(d) No accurate figures of the numbers of radio sets used in India and in the United Kingdom are available. The number of licences in British

India at the end of 1938 was 64,480 and in Great Britain approaching nine million.

Statement showing the quantity of metals available for consumption in India during 1937.

Metals.	Kinds and Grades.	Unit.	Production.	Retained import into India.	Export of domestic production.	Quantity available for consumption (Col. 4 + 5—6).	Consumption per capita (b)
1	2	3	4	5	6	7	8
Aluminium .	Aluminium, unwrought (ingots, blocks, etc.)	Cwts.	..	80	..	80	Lb. ..
Brass . .	..	Tons	10,019	10,157	1,152	19,024	0·12
Copper . .	Metal unwrought.	„	6,830	2,345	..	9,175	0·06
Iron . .	Pig . .	„	1,621,260	1,439	597,402	1,025,297	6·39
	Steel . .	„	665,309	92,837	6,803	751,343	4·69
	Manufactures of iron or steel other than those included under steel.	„	(a)	221,069*	98,604*	..	..
Quick Silver .	..	Lbs.	..	231,079	..	231,079	..

NOTE.—Figures of production of metals shown in column 4 are as published in the Records of the Geological Survey of India, Volume 73, part 3, 1938 (pages 312-313).

(a) Not available.

(b) Population figures estimated on the assumption of a constant geometric rate of increase.

*Includes old, for remanufacture.

DEBARRING OF THE SONS OF DOMICILED INDIANS FROM COMPETING FOR THE CEYLON CIVIL SERVICE.

6. Mr. Manu Subedar: Will the Secretary for Education, Health and Lands please state:

(a) whether it is a fact that sons of domiciled Indians and of Indian Civil Servants in Ceylon, in spite of their having been born and bred up in Ceylon, are debarred from competing for the Ceylon Civil Service; and

(b) if the answer to part (a) be in the affirmative, what steps the Government of India have taken in the matter to safeguard the position of Indians?

Sir Girja Shankar Bajpai: (a) and (b). On receiving reports that, in some cases, sons of Indian Civil Servants in Ceylon had not been allowed to compete for the Ceylon Civil Service, the Government of India made enquiries and found that each case was considered on its merits and the final decision rested with His Excellency the Governor of Ceylon. Government understand that generally speaking Indians domiciled in Ceylon are considered as Ceylonese for purposes of public service.

DENIAL OF REPRESENTATION TO INDIANS ON THE CEYLON COCOANUT BOARD.

7. Mr. Manu Subedar: Will the Honourable the Commerce Member please state:

- (a) whether it is a fact that the Indian community in Ceylon has a large stake there in the production of copra and cocoanut oil and the export thereof;
- (b) whether it is a fact that on the semi-Government Ceylon Cocoa-nut Board, the Indian community has now been denied representation, which they used to have by the nomination of at least one Indian; and
- (c) whether Government propose to consider the desirability of reviewing this matter when trade negotiations between India and Ceylon are opened?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). An enquiry has been made from the Agent of the Government of India in Ceylon and a reply will be laid on the table in due course.

(c) The Honourable Member's attention is invited to the answers given to Mr. Satyamurti's starred questions Nos. 874 and 1298 and the supplementaries thereto, on the 9th September and 17th November, 1938, respectively.

REPORT OF SIR EDWARD JACKSON ON THE QUESTION OF INDIAN IMMIGRATION INTO CEYLON.

8. Mr. Manu Subedar: Will the Secretary for Education, Health and Lands please state:

- (a) whether it is a fact that the Ceylon Board of Ministers have decided not to accept the report of Sir Edward Jackson on the question of Indian immigration into Ceylon; and
- (b) whether Government are prepared to lay on the table of the House the report which they have received from the Ceylon Government on this matter?

Sir Girja Shankar Bajpai: (a) Government have no definite information but the Agent in Ceylon is watching developments.

(b) No report has been received from the Ceylon Government on this point.

ELECTIONS HELD UNDER THE INDIAN TEA CONTROL ACT.

9. Maulvi Abdur Rasheed Chaudhury: (a) Will the Honourable the Commerce Member please state whether any election was held under section (3) (b) of the Indian Tea Control Act, 1938, in the Surma Valley-cum Tripura-Chittagong?

- (b) When was the election held?
 (c) When has the result been announced?
 (d) If it has not been announced, what is the reason for the delay in announcing the result?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes.

(b) From 18th October to 4th November, 1938.

(c) and (d). The Honourable Member's attention is invited to the reply given today to parts (a) and (b) of Mr. Brojendra Narayan Chaudhury's starred question No. 339.

RAILWAY BUDGET FOR 1939-40.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, I rise to present to the House the Railway Budget for 1939-40. Last year, on this occasion, I indicated that we were fortunate in that a series of lean years appeared to have come to an end, and I am happy to be able to say that the results of the year now coming to a close show no great deterioration in our position. I only wish that I had the confidence to claim that the tide had turned and that we could now look forward to an era of prosperity; but, in present world conditions, I am sure this House will agree that such confidence would be unjustified and we must therefore continue to take the less imaginative, but undoubtedly safer, short view of our future.

Financial results of 1937-38.

2. When I presented the current year's budget, I expected that the surplus for the year 1937-38 would be 2·83 crores. This estimate of the net position proved almost exactly correct, the actual surplus being 2·76 crores. But the estimates we made then of receipts and working expenses were both exceeded almost to an equal extent (about $\frac{1}{2}$ crore). Goods earnings mainly accounted for the improvement in receipts, the principal commodities contributing to it being coal, metallic ores, wheat, manufactured cotton goods and grains. The increase in working expenses is attributable mainly to two causes (1) freight charges on coal, delays in the supply of which from the market earlier in the year tended to augment the transport of this commodity in the closing months of the year beyond our estimates, and (2) the heavier expenditure on repairs consequent on the increased volume of traffic and the general rise in the price of materials.

Revised Estimate for 1938-39.

3. Let us turn now to our revised estimates for the current year. When the original budget was framed, it was expected that the total traffic receipts in respect of state-owned lines would be 94 $\frac{1}{2}$ crores, the same as we then expected for 1937-38, and the total working expenses, including depreciation, 62 $\frac{1}{2}$ crores. Taking into account miscellaneous receipts and expenditure, the net railway revenue was estimated to be over 31 $\frac{1}{2}$ crores. Interest charges were placed at less than 29 $\frac{1}{2}$ crores, leaving a surplus of a little over 2 $\frac{1}{2}$ crores. Our present expectations are that our total receipts will be 94 $\frac{1}{2}$ crores, and the total expenditure, including depreciation, a little over 63 $\frac{1}{2}$ crores. Miscellaneous receipts will exceed miscellaneous expenditure by a quarter of a crore, and the net railway revenue is now expected to be 31 $\frac{1}{2}$ crores. After meeting interest charges estimated at 29 $\frac{1}{2}$ crores, our surplus is placed at a little over 2 crores.

4. As indicated above, our receipts are expected to go beyond our original anticipations by less than half a crore, while our working expenses are likely to go up by a crore. In regard to receipts, when we framed the revised estimate for 1937-38 and the budget for 1938-39, we did not expect 1937-38 to be as prosperous as the event disclosed but, in spite of the uncertainty regarding general trade and international conditions and the apprehension that conditions might grow worse, we expected the same receipts for 1938-39 as for 1937-38. In our estimate of the comparative receipts of the two years, we are not likely to be far wrong, though the figures for both are now higher than the original estimates. We now anticipate that our total traffic receipts will be 94½ crores against 95 crores in 1937-38 and against our original estimate of 94¼ crores. Though, up to the 20th January 1939, approximate receipts were level with last year's, we have two reasons for taking the lower figure for 1938-39. In the next two months, we apprehend a slight deterioration owing to the fact that railway coal has moved earlier than usual this year in the effort to relieve traffic congestion in the busy months. Further, towards the end of the last year, we had the additional earnings accruing from the abnormal Kumbh Mela passenger traffic. The trend in passenger and goods traffic, considered separately, has been hitherto somewhat unusual. While the former showed a betterment of about 27 lakhs and the latter a worsening of 41 lakhs up to the 10th July, the relative position was completely reversed by the 10th January. Goods earnings have gone up by 40 lakhs, while passenger receipts are down by about the same amount. Oil seeds, cotton and sugar are the principal commodities which have contributed to the additional earnings under goods. Metallic ore and coal traffic receipts have fallen continuously, the latter owing to shorter leads.

5. As regards expenditure, we now anticipate that working expenses, including depreciation, will be 63½ crores against actual expenditure of a little less than 63 crores in 1937-38 and against our original estimate of 62½ crores. It should not be concluded that this increase signifies any relaxation of our efforts for economy in operation. These continue unabated. But for several causes the increase is, we fear, inevitable. This year, as is well known, the price of our coal has been higher and in the effort, on the lines suggested by the Railway Enquiry Committee, to increase earnings by affording improved facilities to the public and to retain traffic in the face of competition with other forms of transport, the mileage we are running is on the increase, with a consequent increase in coal consumption and repairs to rolling stock. We are feeling, too, in some measure, the effects of our economies during recent years. The diminished scale of our purchases of rolling stock in that period has resulted in a rise in the average age of our stock, with a consequential increase in the cost of maintaining it. Nor can the fact of the rise in the price of materials necessary for repairs be ignored.

Budget Estimate for 1939-40.

6. Turning now to the estimate for 1939-40, Honourable Members are aware that the general trade conditions and the international situation are still full of uncertainty and preclude our making a forecast with any degree of confidence. In the hope that, if any changes occur in general conditions next year, as compared with the current one, their effect on our revenues will not be severe and taking into account the incidental fact that, next year being a leap year, we shall have an additional day's earnings we have placed our estimate of receipts a little higher than our present expectations for the current year at 94½ crores. As between passenger and goods traffic, we have provided for a slight fall in the former and a slight increase in the

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latter. Our net miscellaneous receipts are expected to show a betterment of over $\frac{1}{2}$ crore. There will be, however, it is expected, an increase of $\frac{1}{2}$ crore in ordinary working expenses, bringing down the net revenue to about $\frac{1}{2}$ crore less than in the current year, the contribution to the depreciation fund standing practically at the same figure as in 1938-39. The interest charges being, however, about $\frac{1}{2}$ crore less owing to the fall in rate, we expect a surplus over the current year's (213 lakhs against 205).

7. Our capital programme for the construction of new railway lines is a modest one. It relates mainly to the three Sind projects to which I referred in my last budget speech and which are intended to serve the new fertile areas recently developed by the Lloyd Barrage. Of these projects, the Sind Right Bank Feeders Railway, for which 73½ lakhs has been provided, is expected to be completed next year. The Khadro-Nawabshah line also will make very substantial progress. I regret to inform the House that the Pithoro-Tando Mithakhan Railway, which has been included in our programme for the last two years, is still under discussion with the Sind Government. A small sum has also been provided, in case it should be ultimately decided to proceed with the construction of the Kashipur-Kalagarh line, a project which we are now considering in consultation with the Government of the United Provinces.

8. Our next year's programme for open line works is on a somewhat larger scale than the current year's. The gross figures are 14 crores against 12½. The largest single item in this programme is the provision of about one crore for the purchase of the South Bihar Railway, for which the rental paid by Government under the existing contract works out to about 4½ per cent. on the purchase price. It will be readily appreciated that, at the present rate of interest, the purchase now is a paying proposition, and it has received the concurrence of the Standing Finance Committee for Railways. Five crores have been provided for rolling stock. I can assure the House that this expenditure is kept down to the absolute minimum compatible with traffic requirements. The figure has, however, been affected by the rise in the price of iron and steel caused by the rearmament programme in other parts of the world, to which I drew attention last year. Last year I referred to the contracts which, as a measure of prudence and economy, we decided to enter into in 1937-38 with the Indian wagon building firms for the supply of 6,095 broad gauge general service wagons to be spread over three years. The last instalment of this supply will be of 2,500 wagons in 1939-40, and for this a sum of about 1½ crores has been provided. For expenditure on track renewals we have provided 4½ crores and for bridges and other structural works 3½ crores. Our gross expenditure under open line works, after allowing for various credits, is expected to be 12½ crores. In accordance, however, with the practice for some years now based on our experience that railways have been unable to spend the gross amount arrived at in our estimate, we have reduced the total demand to 10½ crores. Of this, we expect, 6½ crores will be met from the depreciation fund. These, Sir, are the broad outlines of the financial picture. I shall now turn to a few of the other aspects of our stewardship for the year.

9. Last year I gave to Honourable Members an indication of the action which was being taken on the various recommendations contained in the Report of the Wedgwood Committee. The Railway Board and its associated administrations have not ceased from the search for increased efficiency and a second statement has been made available to the House giving complete information as to the further action taken. Honourable

Members will observe for themselves that much progress has been made in implementing the recommendations of the Committee. I would, however, make special mention of a few of our more striking advances.

The Committee emphasized the need for strengthening the commercial side of railway administration and, bearing this in view, we have sanctioned the creation of ten posts in order to expand our activities in regard to publicity, commercial research and direct commercial working. We have also sanctioned the creation of a separate commercial department, as a temporary measure for two years in the first instance, on the Assam Bengal Railway. Special efforts are being made to utilize the publicity value of the Indian press—by this I mean newspapers published in Indian languages—and a campaign of continuous advertising in respect of lower class travel has been inaugurated experimentally on two railways.

10. The Committee drew attention to the very high incidence of locomotive repairs as a result of overheated axle bearings. It is obvious, of course, that a reduction in the hours for which a locomotive is in the repair shops, must automatically release more engines for service. Last year I mentioned that the Railway Board had placed a Senior Mechanical Engineer on special duty to investigate the possibilities of eliminating this all too common defect in our rolling stock, and I am glad to say now that considerable progress has been made in solving this long-standing and vexatious problem. We believe that the causes of the trouble have been determined, and large scale trials are now in progress to test the remedial measures which have been evolved. To justify our optimism, I may mention that the East Indian Railway has succeeded in reducing the number of repairs due to heated bearings by some 50 per cent. during the last six months for which we have statistics.

11. So far as wagons are concerned—and Honourable Members will realize that in point of numbers alone this is probably a much more important item than locomotives—a Standing Committee of the Indian Railway Conference Association has now put forward recommendations for large scale trials on the broad gauge railways. These trials will be undertaken, but Honourable Members must understand that this is more than a laboratory experiment and it will be some considerable time before we have the data on which we may frame a definite course of action for the future.

12 Our research activities have also extended, in collaboration with the Indian Stores Department, towards the production of white metals for use in bearings and we have every hope that these researches are approaching a successful conclusion. Of special interest to those Honourable Members who are interested in the use of the agricultural products of this country must be the researches which have resulted in the discovery of a treatment of indigenous rape oil which shows promise of making it eminently suitable as a constituent of locomotive axle oil.

13. I would now refer to the efforts which are being made to improve the relations of railways with the public, the need for which has been so often emphasized in this House. To use the language of modern business, the Railways are out to sell transport and, if you want to sell your goods, particularly in competitive conditions, you must satisfy your customer. The public is our customer. The criticism against railways in this regard falls into two classes. In the first place, it is said that the railways, relying on an ancient monopoly which, however, does not now exist, are indifferent to the interests and needs of their clients. And secondly, and perhaps for similar reasons, there has arisen a tradition of incivility and

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dishonesty on the part of the railway staff in their dealings with the public. In regard to both these matters, there has been on the part of railway administrations sustained effort to meet their critics. It is no longer true to say that our railways are indifferent to the needs of the third class passenger. So far as finance will permit, efforts are being made in every direction to increase his amenities. In another direction, on the commercial side, we are endeavouring to meet our clients and to establish closer contacts with the business community. To take up again the idiom of modern commerce "If you want business, you must go and fetch it", and our commercial staff, some of them specially appointed for canvassing purposes, are now making personal calls on the traders who may be expected to use the railways. Personal contacts between the heads of the railway administrations in the larger cities and the commercial interests are more frequent, and I personally regard these personal contacts as more valuable than the more formal meetings of Advisory Committees.

14. As regard incivility and dishonesty, I can add little to what I said last year. The problem is bilateral and not unilateral, but I would repeat what I had occasion to say some few weeks ago to a gathering of Railway officers, namely, that none of us should be too complacent by reason of the fact that we were not the sole contributors to the existence of an evil, and I feel certain that my view is shared by every responsible officer on our railway systems throughout India. In the meantime I do not venture to hope that in this regard there can be any spectacular improvement from year to year, but from our side we are doing what we can. There have been set up special courses of lectures at our training schools, we have issued personal appeals to our staff, and suggestion books in which the aggrieved passenger may record his complaint are an obvious feature of every station. These complaints are examined and analysed, and we have made it clear to our staff that incivility—it is unnecessary to add dishonesty—will be regarded as a sufficient reason for summary dismissal.

15. As an example of the readiness of the railways to meet the needs of their customers, let me mention what was done in connection with the last Kumbh Mela at Hardwar. We had to deal with something like 12 lakhs of passengers inwards and outwards and on the peak day we handled 68,000 passengers as against a maximum figure of 41,000 in the previous Kumbh. 44 inward special trains arrived carrying on an average 1,500 passengers apiece. Each was cleared through the exit gate in a period of 10 to 15 minutes. The outward rush, as can be imagined, was more concentrated than the inflow. 70,000 to 80,000 passengers departed daily, and on one day 43 loaded special trains were despatched over a single line section—a record never before achieved on Indian railways. At such an important pilgrim gathering, overcrowding may be inevitable, but we did our best to mitigate discomfort, and profiting by our experience in 1927, ran considerably more than double the number of special trains that were operated in that year.

16. To deal with these special traffic conditions the whole of the Hardwar station and its passenger enclosures were remodelled and additional facilities were given at other stations. Four temporary crossing stations were constructed to allow of the easier movement of traffic, and 33 miles of line were doubled for the same purpose. For the benefit of the pilgrims we set up a broadcasting station near Hardwar town which gave the latest information regarding railway arrangements. For the first time in the history of this Mela return tickets were issued for all classes at concession

rates, and I am glad to say that this concession proved most popular. Over four lakhs of rupees were spent on these arrangements apart from the cost of permanent alterations to the Hardwar station, but I cannot regard this as an extravagant outlay in view of the fact that our gross earnings from the Mela are estimated at Rs. 28 lakhs.

17. Closely related to the foregoing question of the relations between the railways and the public is the rate policy of our railway administrations. The Railway publicist presses upon us that a general reduction in railway rates is the only sure means of meeting road competition. This is a plea that has been so persistently urged that I think it desirable that I should take this opportunity of stating the railway point of view. I suspect that the authors of the suggestion have not considered the problem as a whole. They have in their mind the comparatively high-rated commodities in which road transport is interested and they forget the low-rated commodities which the railways carry at charges considerably lower than could be quoted by any other form of transport. I would remind Honourable Members that the railway rate structure is based largely on the principle of "value of service" or, in more familiar terms, on the principle of "what the traffic can bear". On this basis the charges for different commodities are graded in accordance with the value of these commodities. This was not an unsatisfactory scheme until alternative means of transport arrived. The position of the railways was roughly this, that what we lost on the roundabouts we made up upon the swings. To give a concrete case, we were prepared to bring to a centre of manufacturing activity at very low rates the relatively cheap raw materials of the industry. We looked forward to making up for our generosity—let us call it—by transporting to the appropriate markets the much more valuable manufactured article. This policy was designed, and has in fact operated, as a stimulus to manufacturing activities in India. But since the time when the rate structure of the Indian railways was built up, an external and important factor has come into being. The rate structure was designed on the theory that the railways were monopoly carriers. But now we have competitors and these competitors own swings but contract no losses on the roundabouts. The intrusion of road motor transport with its charges based only on the bare cost of transport without overheads for track construction and with the ability to select the traffic which it carries has disturbed the harmony and balance of the railway rate system, especially in respect of high grade traffic. To meet road competition which, having none of the general obligations laid upon the railways, has concentrated on the cream of the traffic, the railway administrations have not been slow to quote special rates in particular areas, but it is obviously not a proposition which can be justified on any grounds, practical or theoretical, that road competition can be met by a universal reduction in rates. Railway rates in India are low, the average rate per ton being amongst the lowest in the world. It can hardly be urged that we have been making excessive profits at the expense of the general public. We have our financial obligations which we must meet and if over and above that obligation we make a profit, it goes not to the individual capitalist but into central revenues to the relief of the general taxpayer, or as at present arranged, to the assistance of provincial administrations whose financial necessities are only too well known to all of us.

18. From time to time there arises on the floor of this House the question as to what is the policy of the Government of India in regard to taking over company-managed lines as and when their contracts determine. I have endeavoured to indicate that there can be no hard and

[Sir Thomas Stewart.]

fast policy in these matters and that on each occasion it is for consideration whether the taking over of the railway is, from the point of view of the general ratepayer, a good financial proposition. We have recently been called upon to make a decision in respect of two such railways. The South Bihar Railway, operating over some 76 miles, is owned by the South Bihar Railway Company and is leased to Government at an annual rental of £30,000. By the terms of the contract the purchase price is fixed at £684,580 on which the rental works out at $£4\frac{1}{2}$ per cent. per annum. At the present low rate of borrowing the purchase of this railway is obviously a good proposition. Again, another small railway, the Hardwar-Dehra Railway, will be taken over in the course of the next year. The purchase price, approximately Rs. 43½ lakhs, will however not be paid until 1940-41 and for this reason no budget provision has been made in the present year. This, as in the case of the South Bihar Railway, is an attractive proposition from the point of view of the tax-payer.

19. In my budget speech of last year I made mention of the efforts which were being made to win back, or to participate in, passenger traffic which had been lost to motor transport, and in particular I referred to a proposal to take an active part in road operations between Lyallpur and Jhang in the Punjab. A private limited company has been promoted in which the North Western Railway has a 60 per cent. share. This company is operating on a newly opened road on which the number of licences issued is limited by the orders of the Punjab Government. The company in which the North Western Railway is a substantial shareholder has been allotted 50 per cent. of those licences, and now after six months' operation our results are most encouraging. The Madras and Southern Mahratta Railway propose to embark on a similar investment by acquiring a 55 per cent. interest in a private limited company which will take over a considerable number of existing motor services and will develop new services. These are admittedly experimental operations on which the railways have invested about Rs. 1 lakh.

20. Honourable Members are also aware that we have had under contemplation the inauguration of rail-car services which by reason of their easy and economical operation appear to offer an effective method of competition with road services. Eleven rail-cars were ordered for the North Western Railway and have just been received. I am unable, therefore, to report whether or not their operation has proved a success but they will shortly be placed in service in the Southern Punjab areas catering for lower class passengers only. We had hoped to extend our experiment to the Bombay, Baroda and Central India Railway also; the recent rise in the cost of manufactured commodities has suggested that it might be better to wait a little longer before taking up this part of our programme.

21. I should not like it to be thought from what I have just said that the railways are die-hard opponents of road transport. We ask to be allowed to meet competition by fair means and in regard to the needs for genuine road development I claim that we are adopting a most reasonable and liberal attitude. I would give one notable example in which the spirit of co-operation and mutual accommodation between a Provincial Government and ourselves has resulted in a very remarkable step forward. For many years there has been an insistent demand for the building of a trunk road between Bombay City and Ahmedabad. Such a road must inevitably be in very direct competition with the main line of the Bombay, Baroda and

Central India Railway. The Government of India were, therefore, reluctant to make any unconditional grants from the Central Road Fund for the purposes of this competitive highway. The Government of Bombay, however, very reasonably recognised our dilemma and have agreed so to control the traffic on the new road that it will not prove a menace to the old-established railway system. To this gesture of the Bombay Government we have given ready response, and an early result, I hope, will be an enormous improvement in land communications throughout the districts of Gujarat.

22. Another example of a co-ordinated road and rail programme is to be found in Sind. There we had what was practically a virgin field, and an officer on special duty was appointed to draw up a scheme for transport facilities by road and rail in that province. We for our part are constructing new railways which will serve as the main arteries of trade serving the newly developed areas in Sind. Complementary to these main arteries are proposed some 10,000 miles of road, half of which will be direct feeders to the railway, the other half, for the most part, making for the development of local areas.

23. An issue which is very much in the public mind at the present moment—and I need hardly say occupies the attention of the Government of India and of the Railway Administrations—is that of public safety on the railways. I regret to have to record the occurrence of two major disasters in the year under review, and however much we may be convinced that these disasters arose from circumstances not within our control, this in no way lessens our sense of horror, or detracts from our sympathy with those who suffered. I do not wish today to enter upon any controversial topics, but I would ask our critics, both inside this House and elsewhere, not to forget our past record in respect of the safety of our railways. It is a psychological phenomenon not confined to India that a large scale disaster may in a moment destroy the public confidence built up over a long period of less eventful years. That confidence once destroyed is most difficult to restore, and I would ask that no unfair obstacle—I do not refer to legitimate criticism—be offered to that most difficult process. I venture to think that there is no cause for panic. For the quinquennium ending 31st March 1938—a period which included one of the most disastrous accidents in Indian railway history—the deaths resulting from railway accidents can be expressed in the ratio of one for every 17 million passengers carried, a figure which compares not unfavourably with that for any other country in the world. Can any other form of transport claim as much? Comparisons are odious, but I would refer our critics to the very illuminating, but at the same time very distressing statistics set out in the Roughton Report on Motor Insurance.

24. It is, of course, impossible in the course of a speech like this to cover the whole field of railway activity in India. One can but touch on a few of the more important matters which are engaging our attention. But to those who seek for further information I recommend the interesting and comprehensive report of the Railway Board, the latest volume of which has just been published. There remains only for me now to express my thanks to those who here at headquarters and elsewhere throughout India have lent me their co-operation in the administration of this important department for which I am responsible.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): No cut in salaries?

(No answer.)

THE INDIAN NAVAL RESERVE FORCES (DISCIPLINE) BILL.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Chair will read out a Message which has been received from His Excellency the Governor General. The Message runs as follows :

"Whereas by its vote of the 7th February, 1939, the Legislative Assembly has refused to take into consideration a Bill entitled a Bill to provide for the discipline of members of the Indian Naval Reserve Forces raised in British India on behalf of His Majesty;

Now, therefore, I, Victor Alexander John, Marquess of Linlithgow, in pursuance of the provisions of sub-section (1) of section 67B of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, do recommend to the Legislative Assembly that it do pass the Bill in the form hereto annexed.

NEW DELHI;
The 13th February, 1939.

LINLITHGOW,
Viceroy and Governor General."

The Chair will now call upon Mr. Ogilvie to move for leave to introduce the Bill.

The Chair wants to know whether the House is willing to proceed to the consideration of the Bill as recommended. (Voices of "No, no"). If that is the desire of the House, the Chair will now call upon Mr. Ogilvie to move for leave to introduce the Bill.

Mr. C. M. G. Ogilvie (Defence Secretary): Sir, I move for leave to introduce a Bill to provide for the discipline of members of the Indian Naval Reserve Forces raised in British India on behalf of His Majesty, in the form recommended by the Governor General.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That leave be granted to introduce a Bill to provide for the discipline of members of the Indian Naval Reserve Forces raised in British India on behalf of His Majesty, in the form recommended by the Governor General."

The Assembly divided :

AYES—46.

Abdul Hamid. Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.

Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.

Bewoor, Mr. G. V.

Boyle, Mr. J. D.

Russ, Mr. L. C.

Chanda, Mr. A. K.

Chapman-Mortimer, Mr. T.

Dalal, Dr. R. D.

Dalpat Singh, Sardar Bahadur Captain.

DeSouza, Dr. F. X.

D'Souza, Mr. F.

Gidnev, Lieut.-Colonel Sir Henry.

Gorwala Mr. A. D.

Greer, Mr. B. R. T.

Griffiths, Mr. P. J.

Grigor, The Honourable Sir James.

Hardman, Mr. J. S.

James, Mr. F. E.

Jawahar Singh, Sardar Bahadur Sardar Sir.

Kamaluddin Ahmed, Shams-ul-Ulema.

Kushalpal Singh. Raja Bahadur.

Lillie, Mr. C. J. W.

Mackeown, Mr. J. A.

Maxwell, The Honourable Mr. R. M.

Menou, Mr. P. A.

Menon, Mr. P. M.

Metcalf, Sir Aubrey.

Miller, Mr. C. C.

Mukerji, Mr. Basanta Kumar.

Nur Muhammad, Khan Bahadur Shaikh.

Ogilvie, Mr. C. M. G.

Row Mr. K. Sanjiva.

Scott, Mr. J. Ramsay.

Sher Muhammad Khan, Captain Sardar Sir.

Sircar, The Honourable Sir Nripendra.

Sivaram Rao Sahib N.

Spence, Mr. G. H.

Stajir, Mr. B. M.

Stewart, The Honourable Sir Thomas.

Sukthankar, Mr. Y. N.

Sundaram, Mr. V. S.

Thomas, Mr. J. H.

Zafarullah Khan, The Honourable Sir Muhammad.

NOES—60.

Abdul Ghani, Maulvi Muhammad.
 Abdul Qaiyum, Mr.
 Abdul Wajid, Maulvi.
 Abdullah, Mr. H. M.
 Abdur Rasheed Chaudhury, Maulvi.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Azhar Ali, Mr. Muhammad.
 Bajoria, Babu Baijnath.
 Banerjee, Dr. P. N.
 Basu Mr. R. N.
 Bhutto, Mr. Nabi Baksh Illahi
 Raksh.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachalam.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Mr. Govind V.
 Essak Sait, Mr. H. A. Sathar H.
 Fazl-i-Haq Piracha, Khan Bahadur
 Shaikh.
 Gadgil, Mr. N. V.
 Gupta, Mr. K. S.
 Hans Rai, Raizada.
 Hezde, Sri K. B. Jinaraja.
 Jedhe Mr. K. M.
 Jinnah, Mr. M. A.
 Jogendra Singh, Sirdar.

Joshi, Mr. N. M.
 Kailash Behari Lal, Babu.
 Lalchand Navalrai, Mr.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Manu Subedar, Mr.
 Mudaliar, Mr. C. N. Muthuranga.
 Muhammad Ahmad Kazmi, Qazi.
 Murtaza Sahib Bahadur, Maulvi
 Syed.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Parma Nand, Bhai.
 Raghubir Narayan Singh, Choudhri.
 Rao, Mr. M. Thirumala.
 Raza Ali, Sir Syed.
 Saksena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Siddique Ali Khan, Khan Bahadur
 Nawab.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Subbarayan Shrimati K. Radha Bai.
 Umar Aly Shah, Mr.
 Varma, Mr. B. B.
 Yamin Khan, Sir Muhammad.
 Ziauddin Ahmad, Dr. Sir.

The motion was negatived.

THE INDIAN MERCHANT SHIPPING (SECOND AMENDMENT) BILL.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I move for leave to introduce a Bill further to amend the Indian Merchant Shipping Act, 1923, for a certain purpose.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

“That leave be given to introduce a Bill further to amend the Indian Merchant Shipping Act, 1923, for a certain purpose.”

The motion was adopted.

Sir Girja Shankar Bajpai: Sir, I introduce the Bill.

THE INDIAN COTTON CESS (AMENDMENT) BILL.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I move :

“That the amendment made by the Council of State in the Bill further to amend the Indian Cotton Cess Act, 1923, be taken into consideration.”

It will be within the recollection of Honourable Members that the House agreed last Session to increase the representation of the cotton-growing industry in Bombay from one to two. Consequentially, that

[Sir Girja Shankar Bajpai.]

involved the increase of the total of such numbers from 10 to 11. Unfortunately, we did not put right the arithmetic which has been done by the Council of State and I hope the House will agree to it.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the amendment made by the Council of State in the Bill further to amend the Indian Cotton Cess Act, 1923, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

"That the following amendment made by the Council of State be concurred in :
"In clause 3, after the words 'the said Act', the following was inserted, namely :

'for the word "ten" the word "eleven" and.'"

The motion was adopted.

THE EMPLOYMENT OF CHILDREN (AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I beg to move:

"That the Bill to amend the Employment of Children Act, 1938, be taken into consideration."

Sir, this Bill is being introduced very shortly after the Act which it seeks to amend was passed. But the reason for wishing to amend this Act so soon as that is that at the time when the original Act was under the consideration of the House, the replies of Provincial Governments with regard to the proposals to restrict the employment of children in certain occupations had not yet been received and the matter being in the concurrent list, we could not proceed with legislation till after their replies had been received. I may state that the proposals in this Bill have now the general concurrence of the provinces. But I may make reference to just two matters in the provisions of the Bill, first, though the Royal Commission on Labour had recommended proceeding with regard to this matter on the basis of numbers employed in workshops, the Government of India have decided that on the whole it would be better to proceed on the basis of the occupations themselves and the work carried on in these workshops. The other matter is the question of the age limit. The age limit proposed in the Bill for exclusion of employment of children in these occupations, is twelve years. The Royal Commission on Labour suggested the age limit of ten years. Now, twelve has been accepted by the provinces. No province has asked for the age limit to be raised. As a matter of fact one of the considerations stressed is that if the age limit were raised it might interfere with the vocational training of young persons. Under the Factories Act the age of absolute exclusion is also twelve, so that the combined result of these two provisions will be that there will be absolute exclusion of children under the Factories Act up to the age of twelve and the exclusion of children up to the same age from these occupations carried on in workshops to which the Factories Act does not apply. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved :

"That the Bill to amend the Employment of Children Act, 1938, be taken into consideration."

Mr. K. Santhanam (Tanjor *cum* Trichinopoly: Non-Muhammadan Rural): Sir, while I support this Bill I cannot help wishing that it had been brought in quite a different form. I think the Government of India should prohibit the employment of children for labour below twelve in any occupation, except family occupations. There is no reason why they should limit it only to these processes. For instance the employment of children in big hotels in big cities is as objectionable as say, for instance, in carpet weaving. Carpet weaving is a rural industry in which it may be much more legitimate than in other urban occupations. If the Bill had been brought as a sort of general protection for children below twelve in any occupation except a family occupation, then it would protect agriculture, it would protect the normal functions and occupations in which they may be legitimately used and would also prohibit exploitation of children as such. I am sorry that the Government of India have not thought it fit to introduce such a general measure and I hope that they will soon bring a measure which will consolidate as it were the provisions relating to children.

Now, in this Bill there is a big lacuna which we have sought to fill up by an amendment. For instance the Factories Act relates to the employment of power and the use of more than 20 persons and in some cases of ten persons where the Provincial Governments might have extended the Factories Act. This Bill says that whenever there is a workshop which does not use power and carries these processes then children below twelve will be prohibited. But between the two there may be workshops which use power and which do not use persons above the number of 20 or 10 to bring them within the Factories Act. Therefore, we get to the absurd result that, for instance, in carpet weaving if it is carried on with the aid of power but with only eight or ten persons, then children below twelve can be employed in these workshops, while if it is carried on without the aid of power, children cannot be employed. I do not think it was intended by the Government that such an absurd result should ensue and, therefore, we have sought to provide that any workshop in which these processes are carried on and which is not a factory under the Factories Act must come under the provision.

Mr. N. M. Joshi (Nominated Non-Official): Sir, the Bill which has been placed before the House for consideration is a useful measure but at the same time I cannot help saying that it is not only a measure of restricted scope as has been pointed out by my Honourable friend, Mr. Santhanam, but it is a measure of comparatively speaking smaller importance. There are many measures useful for the welfare of labour and of major importance which the Government of India have not yet taken in hand. The Royal Commission on Indian Labour has suggested several such measures which are not yet taken up by the Government of India. Recently they have been placing before the Legislature measures of smaller importance. They passed an Act for revising the Workmen's Compensation Act in a very small way. Last year, they passed a measure regarding employment of children.

Now, they have brought forward a measure regarding the employment of children. I do not suggest that these are measures of no usefulness. They are useful measures, but compared with the bigger problem of social insurance which must be taken in hand very soon and also compared with the problem of the reduction of hours of work, the revision of the

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Workmen's Compensation law in order that the rates should be increased these are smaller measures. There are measures of major importance which the Government of India have not yet taken in hand. I, therefore, feel that the Government of India should take up measures of larger importance. It may be that the Government of India, on account of the introduction of Provincial Autonomy, think that their function as regards the major problems is now over. I think they are mistaken. The constitution gives them power to deal with all labour questions and not only that but they still maintain a costly Department of Labour and once I had remarked that the Government of India not having much serious work to do are merely playing with smaller labour legislation. I hope the Government of India will take up bigger problems in hand and not content themselves with these small measures.

I will make one remark about the way in which this measure is placed before the Legislature. I do not know whether the **1 P.M.** Government of India had circulated their proposals to the general public. The Honourable Member said that he had consulted the Provincial Governments. I do not know whether the Provincial Governments had consulted the labour organisations which would have made some useful suggestions. I think the Government of India should take steps to see that such proposals are circulated to those people who are generally interested and also to the general public.

Secondly, I would also like to say that when placing these measures the Government of India should give the House a little more time to consider these Bills. When Members come to Delhi they have many things to attend to and the time given for consideration is, in my judgment, a little less than what is absolutely necessary. The Royal Commission on Indian Labour has dealt with this problem of providing for some regulation for those factories and workshops which were unregulated when they considered this problem. There were two classes of unregulated factories and workshops. The first was the factories which work with power and the second class was of factories or workshops which work without power. In this Bill the Government of India do not deal with smaller factories which work with power. The Honourable Member in charge of the department knows very well that under the Factories Act a factory is defined as a place where something is manufactured and where 20 persons and more are employed and where some power is used. Now, there are in the first place a large number of factories which employ less than 20 persons and use power. The Government of India do not deal with that problem at all in this Bill. The Royal Commission had made some suggestions on that point. They had suggested that another Act should be passed to regulate the smaller factories working with power. It is true that the Provincial Governments have power to apply the Factories Act to factories either working with power or without power and employing ten persons and more. Unfortunately, these Governments have not made use of that power very widely. Till very recently not more than 200 factories out of perhaps 2,000 factories were brought within the scope of the Factories Act by the Provincial Governments under the power given to them. I, therefore, felt that the Government of India, when they introduced this measure, though it is of a very restricted

scope, would bring in smaller factories working with power also. This point was well put by my Honourable friend, Mr. Santhanam, that it looks absurd that you should regulate workshops without using power and not regulate the industries which work with power. Then, as regards workshops working without power, the Government of India have not brought within the scope of this Bill all the measures that are necessary in order that the working of those industries should be healthy and there should be no exploitation of the labourers working in those industries. The Royal Commission on Indian Labour had gone into the conditions of industries which work without power and they have pointed out that there is greater regulation necessary in those industries than perhaps in large factories working with power. The buildings are not properly built, the sanitation is not properly looked after and the hours of work are long; and the Government of India do not deal with those problems in this Bill at all. Sir, I do not wish to tire the patience of the House by reading what the Royal Commission says on some of those industries, but I should like to read only a few sentences regarding several industries which are dealt with in this Bill. The Royal Commission deals with the necessity of dealing with sanitation and other problems. On page 94 they say:

"Here again the main difficulties, not all being necessarily present in any one industry, are the unsuitability or the dilapidated nature of the type of building used, the absence of adequate sanitation, poor lighting, defective ventilation, overcrowding, long hours and—above all—a preponderance in certain cases of the labour of under-age children."

The only problem dealt with in this Bill is the last problem. Then the Bill includes in its schedule the mica factories. As regards that the Royal Commission says as follows:

"Taking the time of leaving home and of returning to it in the case of those living in villages several miles distant, they "(i.e., the hours)" are too long for the smaller children."

Then, they deal with wool cleaning and this is what they say about it:

"Here also as the wool is continuously torn apart with the bare hands, the atmosphere becomes thickly impregnated with dust, and no attempt is made to ensure the workers a less vitiated atmosphere in which to work for what are often very long hours. In many cases no proper latrine accommodation is provided."

The Bill also deals with shellac manufacture. I shall read a small quotation as regards shellac manufacture from the report of the Royal Commission

"As a result of a recent investigation of these places undertaken by the Director of Public Health in the Central Provinces, it was reported that 'Washing pits, reservoirs and drains are not properly cleaned at regular intervals. The same water is used for washing over and over again for a week or more and is allowed to stagnate for a period before it is drained off. Due to putrefaction of all the animal refuse from the stick lac, along with myriads of crushed insects in this water, the stinking effluvia from washing basins and drains are disgusting. But the persons employed on washing have to stand knee-deep in this water in the pits and carry on the work for hours together.'"

Then, as regards "bidi" making, this is what the Royal Commission says:

"Small workshops preponderate and it is here that the graver problems mainly arise Sanitary conveniences and adequate arrangements for removal of refuse are generally absent Nevertheless in the case of full-time workers,

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i.e., those not using bidi making as a supplementary source of income, the hours are too frequently unduly long, the length of the working day being determined by the worker's own poverty and the comparatively low yield of the piece-rates paid."

Sir, I do not wish to go on reading any more quotations. It is evident that the Royal Commission has pointed out very clearly the great need of regulating sanitation, hours of work and other conditions in those industries which are dealt with in this Bill. This Bill, unfortunately, is restricted to only one aspect, namely, the employment of children and that too as regards their age. I hope, Sir, the Government of India will deal with the other problems very soon.

As regards the sections of the Bill, I would only say this: that the Government of India, when they dealt with the age of employment of children, fixed the age in some industries at 15 as the proper age. In this Bill they fix that age at 12. The Honourable Member in charge said that the Royal Commission itself had recommended the age of ten. It is true that the Royal Commission did recommend the age of ten, but they intended to deal with the whole problem and not merely the age of children: they also wanted regulation regarding sanitation, hours of working and other matters; and they laid down rather a smaller age than they should have. As the Government of India is dealing with only one question they should have dealt with the question in a more thorough manner and that was to keep the age of employment at 15 as they themselves had done in the case of transport. In India children do not fully mature at the age of 12. In Europe the permitted age of employment is generally 14 and they are making an attempt to raise that age to 15. Indian children do not become full adults or full men at the age of 12; and the Government of India should have kept the age at 15. Even if the age were kept at 15, the industry will not suffer at all because in India there is a surplus of labour: there are many grown up people who do not find employment. Under these circumstances it is wrong to permit children to work under conditions which are not certainly conducive to their health or congenial to their growth and make them compete with men who do not get sufficient employment themselves. I, therefore, hope that the Government of India will accept my amendment. They should remember that the Royal Commission made its report ten years ago. If the Government of India had introduced legislation at that time, perhaps we would have got two more revisions between that time and now and the age would certainly have been 15. It is not right to introduce legislation ten years after the report was made and make use of that report for the moderation of the proposal of the Government of India. Therefore, I hope that the Government of India would accept my amendment raising the age to 15.

I would also make another suggestion. They have left power to the Provincial Governments to add to the schedule and also to omit from the schedule. Adding to the schedule is not objectionable, but to give power to a Local Government to omit items from the schedule is certainly objectionable. There are some Local Governments which care for labour and may introduce some reforms and may add to the schedule even. But there are some Provincial Governments which are not progressive sufficiently—they are in my judgment reactionary and to give power to those Local Governments to omit items from the schedule is a dangerous thing. I would not, therefore, like that power should be given to the Provincial

Governments to omit from the list: they can add to the list. I do hope my suggestion will be accepted.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, I only want to make one or two observations on the motion before the House. Let me state at the very outset that I support the motion. I know this is a measure of a salutary nature, and in a way it is a belated measure also in my opinion to introduce only a fraction of the reforms suggested by the Commission. Anyway, it is welcome now that it has been introduced.

Sir, the point to which I want to invite the attention of the Honourable Member in charge is one which relates to the provisions contained in clause 4 of this Bill. That clause empowers the Provincial Government to add to or omit from the Schedule anyone of the processes mentioned there, and thereupon the Schedule as amended by the Provincial Government shall have force in the province as if it has been enacted accordingly. That is the position. Now, from a constitutional point of view, it may be a very desirable thing to give a power like that under this law to Provincial Governments, but I want to look at it from a practical point of view. Supposing for the purpose of the same kind of occupation in one province the Provincial Government want to retain an occupation like *Bidi* making in the list, and another Provincial Government want to take it out of the list, then the result will be we shall be allowing a kind of unfair competition for the same profession and for the same kind of work between different provinces. That is a point which, I believe, the Government of India ought to consider. In my opinion, in labour legislation, there should be a policy of laying down certain uniform rules and uniform instructions all over the country. It may be somewhat difficult for the Government of India to get the consent of the Provincial Governments to a set of uniform rules, but if we want to avoid undue competition between one province and another over certain kinds of things, then it is necessary that all provinces should be asked to agree to a uniform set of restrictions, but apart from the question of giving discretion to Provincial Governments to add to or omit from the list certain things, we shall be creating a situation which may not be desirable from the point of view of the particular industry which will be affected thereby. That is one point which the Honourable Member in charge may take into consideration. If I am asked what my solution to the problem is, I cannot say, but I think as the thing stands, it is open to the difficulty of the kind to which I have just referred, and it is really a serious difficulty so far as the progress of industrial development of the country is concerned.

Then, Sir, there is also another point to which I should like to refer incidentally. In clause 6 of this Bill, a rule has been laid down as regards presumption, and it is this, that every certificate as to the age of a child which has been granted by a prescribed medical authority shall, for the purpose of this Act, be conclusive evidence. I have no objection

[Mr. M. S. Aney]

to the principle laid down there, but my point is this, that in the absence of any direct evidence about the age of the boy coming forth a certificate given by a medical officer ought to be conclusive. Suppose if directly it can be proved that the age of a particular boy is such and such apart from other source of evidence which was not available at the time but which was available later on, why should the medical certificate be conclusive in this case? So my point is, the presumption should be of a rebuttable nature, and not conclusive as has been laid down; it should be open to the party to prove if they have any documentary evidence that the boy is not of the age shown by the prosecution on the strength of a certain medical certificate. You should not debar any other evidence from being put in at all once the medical certificate is produced simply because the authorities have taken action on the strength of it. You will find, Sir, this clause 6 has reference to section 5 of the original Act to which this Bill is an amending measure. Sub-clause (2) of section 5 says this: "No prosecution under this Act shall be instituted in any case where at the time of employment a certificate had been obtained from an authority empowered under this Act to grant such certificate that the child has completed his fifteenth year". Supposing a court takes cognisance of the matter and proceeds with the case on the ground that a boy had not completed his 15th year, and if it is found that the boy could substantiate by his evidence that he has completed his 15th year or some one interested in the boy proves by some other piece of evidence, direct or documentary, that the boy's age is above 15 or above 12 on that day, why should he be debarred from proving it, and if that can be permitted what is the meaning of saying 'It shall be conclusive'. The words 'conclusive evidence' mean in my opinion shutting out any other evidence. I don't see the propriety of a provision like that, although I recognise in the absence of any other evidence a medical certificate ought to be considered as the most reliable evidence for the court to act upon and it should be of very great value. These are the points on which I wanted to make suggestions, and subject to these observations I give my support to the motion before the House.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I whole-heartedly support this Bill. The previous speaker has made certain observations regarding the medical certificate, and he is quite right in saying that medical certificate in such cases should not be regarded as conclusive evidence, and it should be open to the accused to bring forward his own evidence to prove that he has not completed his 15th year. I would ask the Honourable Member in charge to consider this point seriously. Sir, we who have practised at the bar know that medical certificates, in matters of age, cannot always be regarded as conclusive evidence. Sometimes when the medical examination is conducted, some doctors count the teeth, while some others take other factors into account, and, I think, if two or three different doctors undertake the medical examination of a boy to ascertain his age, it is quite possible that the doctors may differ among themselves, and they may either add to the age of the boy or lessen it. There are certain cases where you find that boys are precocious, and in those cases it will be very difficult to find out the age. So, to say that the medical evidence shall be conclusive would be a great hardship to those who may be charged with offences under this Bill.

As regards the point which my Honourable friend has made about Provincial Governments, I beg to differ from him. When occasions arise, we leave matters to Provincial Governments, and not to leave discretion to the Provincial Governments in the matter of schedule to this Bill is, I think, going too far. I will leave it to the Provincial Governments, and I am sure that Provincial Governments can amongst themselves arrange things in such a way as to meet any difficulty which might be encountered. My Honourable friend gave the instance of *bidi* making. If one province wants to allow it and another objects, they will be able to find a solution between themselves. So, to curtail the power of the Provincial Governments is rather not consistent with the principles which we have been adopting in this very House about giving powers to Provincial Governments. I would also state that the limit mentioned by the Royal Commission was 10. My Honourable friend has been able to evolve age 12, and I think it is a mean between 10 and 15. Looking at the conditions in India and comparing them with the conditions in Europe where they have put ten, I think it will be perfectly right if we put the age limit at 12. I do not think we should differ from this age when we know that Indian boys and Indian girls generally grow sooner than European boys and European girls, and I think that the age fixed by Government, namely, 12, is a proper age and I would ask my Honourable friend not to differ from the Government on that minor point.

As regards the schedule I have objection to two items. One is cloth printing, dyeing and weaving. I do not see how unhygienic cloth printing, dyeing and weaving will be. In my own city, in Lucknow, I have seen boys of very minor age taking to dyeing and cloth printing very easily. It is not a sort of thing in which there can in any way be danger to life or any unhygienic character attached to it. Same is the case with carpet weaving. Wool clearing may be said to be unhygienic, but so far as carpet weaving is concerned, I have seen in my own town boys doing carpet weaving, and I do not see much point in the suggestion that boys should not be allowed to do that.

Mr. M. S. Aney: What about soap manufacture?

Mr. Muhammad Azhar Ali: I have not seen soap manufacture myself, so I cannot say much about it. In my own town, I have seen carpet weaving and cloth printing and dyeing, and I cannot say that they will in any way affect boys of 12 years of age. Only a difference of three years in the age suggested by my Honourable friends here and that suggested by Government is not going to make the thing more unhygienic or unsuitable. So far as the question of age is concerned, I will add that in our poor country people allow their children to do work to earn their bread, and if we are going to start more industries, if we are going to have cottage industries, as we find encouragement for it in our provinces, I think boys of the age of 12 should not be discouraged from working in a small cottage industry for the sake of their parents. If we raise the age, I am sure, several mothers and fathers and others will lose the means of adding to their livelihood. In these days, when there is unemployment in the country, when conditions are getting worse and worse, I would submit that my Honourable friends should not be opposed to this age limit of 12 years. With these remarks, I support the motion.

Shrimati K. Radha Bai Subbarayan (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): Mr. Deputy President, I have much pleasure in supporting this measure. As a woman, I am always glad when a measure dealing with the welfare of children is brought forward, but on this occasion my pleasure is tempered by the regret, as it has been in the case of my Honourable colleagues who preceded me, that it does not go far enough, that it is not sufficiently comprehensive. I am one of those who believe and strongly believe that legislation of this kind is absolutely necessary not only from the humane point of view, to help the helpless, but also in the interests of the country itself. If we are to have a strong and healthy nation, the State must give due attention to the welfare of its children. The tendency to exploit the labour of children is a common failing all over the world, but perhaps it prevails more widely in our country largely due to the existence of appalling poverty and ignorance among the working classes. The question of securing sufficient bread for the family which is a very difficult one, and the ignorance of the injurious effects of hard labour and long hours on young children, make the parents seek employment for their children even before they enter on their teens. Propaganda by welfare workers has to a certain extent helped to educate the working classes in this matter, but it is not sufficient, and it does not have any appreciable results without the help of legislation. It is for that reason that I feel that legislation regarding the employment of children is urgently necessary.

As I said before, I am sorry that the subject is not dealt with fully in this Bill. There are many things which need urgent attention; for instance, the question of prescribing hours of work and rest, intervals during the day, holidays, prevention of double employment,—all the questions which have already been dealt with by the Factories Act. They are not new and I feel that with regard to other occupations also, they should receive the attention that they have received in the Factories Act and as my Honourable friend, Mr. Santhanam, has pointed out I think the Bill should deal with all kinds of occupation and not only with regard to the industries mentioned in the schedule. I do feel that it is not a subject for piecemeal legislation. Hard facts are facing us and proclaim as loudly as they can, that it is urgently necessary in the best interests of the country itself, to deal with this subject as soon as possible. I would appeal to the Honourable Member for Labour to give his immediate attention to the urgent need for introducing a comprehensive measure. Above all, Sir, I would draw his attention to the fact that the Act to prohibit the pledging of labour of children seems to be a mere paper document for the shelf. I will confess, Sir, that I was myself ignorant of the existence of such legislation till my Honourable friend, Mr. Joshi, pointed it out to me. Only last year a few cases were brought to my notice where the parents had pledged the labour of their children who were under ten, for three or four years for very small amounts. I was not aware of the existence of this Act and I tried to do the only thing that was possible for me to do. I offered to refund the money that had been received by the parents but the employers wanted their full pound of flesh and they would not agree to release these children from the cruel contract that their poor parents had made for them. I do hope that this Act which is very brief will be incorporated in a general Bill regarding the employment of children.

Sir, I do not want to speak at length on the different clauses of the Bill. When they are taken up for consideration, perhaps I may have

to say a few words on them but I should like to mention that I share my Honourable friend, Mr. Joshi's regret, that the age limit is only 12, but, I do not think that his amendment will be accepted. If careful investigation is made with regard to the causes of deaths among the children of the working classes, it will be found that they are largely due to the strain on their tender and undeveloped constitution, of their hard work for very long hours in insanitary and unhealthy conditions. It is often said that life is held very cheap in India and as evidence it is pointed out that disasters on railways, in mines and factories do not perturb the State in the same way as they do in other countries. Personally, Sir, I am of opinion that one of the main causes for it is that sufficient importance is not given to the welfare of women and children in this country.

Sir, only recently, this House passed a Bill for the prevention of cruelty to our dumb and helpless friends. I conclude my remarks now with the hope that in the near future we shall be able to place on the Statute-book a Bill for the prevention of cruelty to young, innocent, voiceless and helpless members of our society whose welfare, I repeat, is of vital importance in the building up of a strong and healthy nation in our country. With these few words, Sir, I have great pleasure in supporting this motion.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, I welcome this measure on two grounds. The first ground is this. Only this morning the House will remember I put a question about the need of co-ordinating labour legislation throughout the country. I regard this Bill as an earnest of the effort which the Government is going to make in future and about which I had an assurance from the Honourable Member for Labour this morning that we shall have a co-ordination of law relating to all labour topics in this country. There is something to be said for the employer of labour who comes in for a lot of castigation, sometimes deservedly and sometimes undeservedly, in this sense. Voluntary improvements in the treatment of labour are not possible because such improvements penalise a good employer, whereas it is the bad employer who goes on abusing his privilege as an employer and exploiting labour. Therefore, a certain degree of compulsion is necessary and legislation whenever it is introduced ought to be such that it will apply uniformly to all employers. Unfortunately, it is not uniform, owing to provincial geographical boundaries and the evil results of this have attracted the attention both of the Indian and of the other commercial communities and they have been pressing on Government for this co-ordination and, as I said before, I regard this as a symptom and a beginning of a strenuous effort in that direction.

The second ground for welcoming this measure is that there is no section of the population for whose welfare this Honourable House has to make laws which deserves greater attention, closer scrutiny and greater protection than children. It is not the children of the class of people who occupy the seats in this House that we are considering but of the poor people who have got to get employment and who are often forced by economic circumstances to get employment. Sometimes these children are destitute and they have got to take whatever wages are offered and to accept whatever conditions of work are given. Sometimes they are pressed into work on account of the dire need of the family. In all such circumstances it is necessary to lay down a minimum limit above which alone industrial employment should be possible. Such limit as existed

[Mr. Manu Subedar.]

applied only to factory labour and it is now being introduced into certain other types such as cottage industry. I am very sorry that the scope of this Bill is restricted by the use of the words "industrial process is carried on". That is all very good but there are places like what my Honourable friend, Mr. Santhanam, pointed out in urban areas where little children are made to work in tea shops from six in the morning till twelve at night. This is a scandal. There is no law at present restricting this. I am sorry that unless the Honourable Member for Labour chooses to give some interpretation of the industrial process which would also include making of tea, *chivda* and other delicacies in which middle class people revel in urban life, that desirable result will not be achieved. There is a certain section of children, who, to my certain knowledge, are exploited at present and over-worked and they will continue to be so exploited and over-worked.

As I have got one or two amendments which appear to restrict the scope of the Bill, I am bound to explain that there are directions in which I should very much like the scope of this Bill extended. I shall not detain the House by dealing with the amendments now but I shall only deal with certain aspects of the cottage industry and certain aspects of vocational education. I take it that it is not the intention of Government, in introducing this Bill, to discourage cottage industry in any shape or form. Lest such discouragement should come where there is a *bona fide* cottage industry carried on by a family with small children also working, I have suggested that it should not be confined to children but also dependants. In Indian life there are cases where the children of a widowed sister or a brother who is dead are all brought up in the same surroundings, and treated in the same manner and they are made to work in the family craft whatever it is. Now, Sir, the general principle which I regard as regulating this affair is that no family would like to over-work its own children beyond their capacity. But where children are hired for wages, there the problem of exploitation arises and a more serious one, and I am very glad that the provisions of this Bill will eliminate that. Sir, there is no sanctity about the age of twelve. I do not think anybody will think that the moment a boy finishes the age of twelve he is very much different from what he was the day before yesterday, but yet it is necessary to have some arbitrary limit, and as the age of twelve has been put down, it may be accepted. My Honourable friend, Mr. Joshi, will find that there are no retrograde Governments here because all of them have accepted the age of twelve. Sir, I support the motion.

The Honourable Sir Muhammad Zafrullah Khan: Sir, the greater part of the criticism to which Honourable Members have given expression relates not to the shortcomings of the particular measure before the House but to the failure of the Government in not incorporating in this measure or in not bringing before the House some other aspects of labour legislation on which Honourable Members are keen. It is not my purpose at this stage of the Bill to discuss those aspects of the matter. Some of them are already under the consideration of Government, and as time goes on, Honourable Members will find that Government are not unmindful of or indifferent to the aspects that they have stressed. Most of the matters raised with regard to the provisions of this Bill are covered by amendments which Honourable Members have given notice of and, I think, it would be better if I dealt with each of those

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matters as it is raised when the amendments are moved. Mr. Joshi raised the point whether Provincial Governments did or did not consult labour organizations and employers' associations in this connection when their opinions were invited by the Central Government. I am unable to say to what extent this consultation took place but I would draw Mr. Joshi's attention and the attention of the House to the fact that in the letter addressed to Provincial Governments inviting their opinions upon this matter a request was made to them that copies of the letter may be forwarded to associations of employers and employed and to such other organizations or individuals as are likely to be interested in the matter, so that if the ordinary presumption is made, this matter must have been brought to the notice of associations of employers and associations of employed and other people who were interested in this matter.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That the Bill to amend the Employment of Children Act, 1938, be taken into consideration."

The motion was adopted.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That clause 2 stand part of the Bill."

Mr. Santhanam.

Mr. K. Santhanam: Sir, I move:

"That in clause 2 of the Bill in the proposed clause (d), for the words 'without the aid of power' the following be substituted:

'not being a factory to which the Factories Act, 1934, applies'."

Sir, the purport of this amendment is that it takes away the words "without the aid of power" and, therefore, the clause will read "'workshop' means any premises (including the precincts thereof) wherein any industrial process is carried on, not being a factory to which the Factories Act, 1934, applies". That is, in order to avoid its application to factories, I have substituted the words 'to which the Factories Act applies'. Therefore, it will bring all institutions carrying on the processes mentioned in the Schedule within the scope of the Bill except factories to which the Factories Act applies and this Bill as amended by my amendment would cover the entire range of occupations which are considered for the moment harmful. So I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in clause 2 of the Bill, in the proposed clause (d), for the words 'without the aid of power' the following be substituted:

'not being a factory to which the Factories Act, 1934, applies'."

The Honourable Sir Muhammad Zafrullah Khan: Sir, I have not much objection to the object of the amendment, but I want to suggest to the Honourable the Mover of the amendment that the proper way of doing it would be to add "or to which the provisions of section 5 of the Factories Act are not for the time being applicable" inasmuch as his object is not only to exclude those factories as defined in the Act but also to exclude

[Sir Muhammad Zafrullah Khan.]

factories to which the Factories Act might have been extended by Provincial Governments under section 5; and his object will be achieved if the amendment is put in that form.

Mr. K. Santhanam: I want to raise only one point for explanation. If it had been extended to factories, they would also have been automatically excluded?

The Honourable Sir Muhammad Zafrullah Khan: It is only a question of drafting. I suggest the addition of "or to which the provisions of section 5 of the Factories Act are not for the time being applicable."

Mr. K. Santhanam: Sir, with your permission and the permission of the House, I should like to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. N. M. Joshi: May I ask the Honourable Member to read to us section 5 of the Factories Act which I have not unfortunately got here?

The Honourable Sir Muhammad Zafrullah Khan: Section 5 of the Factories Act, 1934, says:

"Notwithstanding anything contained in clause (j) of section 2"—and clause (j) of the section defines factories—"the Provincial Government may, by notification in the Official Gazette, declare any place wherein a manufacturing process is carried on whether with or without the aid of power and wherein on any one day of the twelve months preceding the notification, ten or more workers were employed, to be a factory for all or any of the purposes of this Act.

(2) A notification under sub-section (1) may be made in respect of any specified place or class of places.

(3) A notification under sub-section (1) shall cease to have effect in respect of any place after the lapse of twelve months during which not more than nine workers were employed therein on any day."

And section 50, read along with this, prohibits the employment of children in any factory. I think it will have to be, to which section 5 has not been extended.

Mr. K. Santhanam: That would mean that the other factories are not covered by section 5. It should be applicable to them also.

The Honourable Sir Muhammad Zafrullah Khan: Within the meaning of the Factories Act to which the provisions of section 5 of the Act have not been extended.

Mr. K. Santhanam: I want not only to include the factories which are not covered by section 5 but also the factories which are covered by section 5.

The Honourable Sir Muhammad Zafrullah Khan: That is what I am saying. I want to enlarge the Honourable Member's own amendment by adding any factory to which the provision of section 5 has not been extended. I want to bring in both. It is in addition to your amendment.

Mr. K. Santhanam: In that case, I shall move this amendment. Sir, I move:

"That in clause 2 of the Bill, in the proposed clause (d), for the words 'without the aid of power' the following be substituted:

'not being a factory to which the Factories Act, 1934, applies or to which the provisions of section 5 of that Act are for the time being applicable'."

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That in clause 2 of the Bill, in the proposed clause (d), for the words 'without the aid of power' the following be substituted:

'not being a factory to which the Factories Act, 1934, applies or to which the provisions of section 5 of that Act are for the time being applicable'."

The motion was adopted.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That clause 3 stand part of the Bill."

Mr. N. M. Joshi: Sir, I move:

"That in clause 3 of the Bill, in the proposed sub-section (3), for the word 'twelfth' the word 'fifteenth' be substituted."

I am known among the people with whom I work for being a moderate and because I am a moderate I am only proposing that the word 'fifteenth' should be substituted for the word 'twelfth'. As I said, I believe in hastening very slowly. The recommendation was made in 1930 by the Royal Commission and, as I said in my first speech, by this time there would have been two revisions even if we had hastened slowly. I will now point out why we should substitute 15 for 12. In India the children do not attain very full growth when they become 12. I think from the point of view of growth 15 years is a much better age. My point of view was very strongly supported by the Honourable Lady Member of our House and more authoritatively too. My Honourable friend, Mr. Azhar Ali, said that the children's age should not be 15 as I have proposed and he pointed out the instance of carpet industry. He said that we should encourage cottage industry and not discourage it by keeping the age very high. If the Honourable Member had read what the Royal Commission has said about the carpet industry, he would not have made that suggestion. I shall read only one sentence from the report of the Royal Commission regarding the carpet industry. This is what they have said:

"They (*that is, the children*) were subjected in some cases to corporal punishment."

The carpet industry is well-known for its ill-treatment of the children, especially the carpet industry in Amritsar. The Honourable Member may know that carpet industry himself personally. So, from the point of view of the treatment of children, the carpet industry is really the worst. Moreover, there is no likelihood of any discouragement to the industry by regulating the age because in our country there is so much unemployment that, if you allow the children to work, you only create difficulties

[Mr. N. M. Joshi.]

for men in supporting their families. Sir M. Visveswarayya had made calculations about unemployment in India and he puts the figure at more than 25 millions. From that point of view there will be absolutely no discouragement to the industry by keeping the higher age of 15. On the other hand, it will do some good to the children because there is no use making the children work hard especially in factories which are unregulated. We are not proposing by this measure to regulate the hours of work or anything else. The hours will be unregulated and, therefore, to allow the children of 12 or 13 or even 14 to work is, in my judgment, not only a hardship but, if I may use the word, cruelty.

Mr. Muhammad Azhar Ali: On a point of personal explanation, Sir. The Honourable Member said 'from that point of view'. This means that there are other points of view as well. My point of view, therefore, is correct and his point of view may also be correct.

Mr. N. M. Joshi: Not only from that point of view but it will not be bad from the point of view of the discouragement of the industry. The Honourable Member was wrong in feeling that there will be discouragement because there is so much surplus labour in India that allowing children to work means only competition with men and creating difficulties for men. I, therefore, think that my amendment is a very moderate one and it will be accepted by the House.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in clause 3 of the Bill, in the proposed sub-section (3), for the word 'twelfth' the word 'fifteenth' be substituted."

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I should like to bring a practical consideration in this connection before the House. Looking at the schedule, we find, for instance, that the weaving industry is also included. Now, I claim to know something of this because there are 60,000 weavers in my city of Benares and their difficulty, with regard to child labour, came to my knowledge in this way. When I happened to be a member of the Municipal Board of Benares, some of us sponsored a resolution that there should be compulsory primary education; and some of our Muslim friends on the Board objected to it very strongly. We did not know what the trouble was because there was no communal question involved when suddenly it was given out that in the weaving industry a large number of children are employed. There are some processes which can be done only by children. One process is this. I do not know whether I can describe it vividly. A little child is put at the top and from that place it regulates the knots that have been made as the weaving progresses. Now, though my Honourable friend, Mr. Joshi, might himself be agile enough, persons of his age may not be able to get on the top of a weaving loom and work in that way from the top. Therefore, it seems to me that some sort of provision is to be made for this sort of work if child labour is to go. I, personally, have every sympathy with the proposal that there should be prohibition of child labour and that some other means should be devised so that the work can be done without the employment of children. But this is the difficulty which I should like to point out to the House. I do not know whether this particular industry has been consulted or not.

My Honourable friend, Mr. Joshi, always brings out big volumes of recommendations from Geneva which may or may not be suitable to the actual conditions in which we have to live. I do not want my Honourable friend, Shrimati Radhabai Subbarayan, to run away with the impression that it is only mothers who are interested in children, for fathers also are equally interested. I do not believe that women are more interested in the welfare of children than men are because the child belongs to both. Still, conditions being what they are, I should like this problem also to be tackled. I see there is a provision in the Bill under which Provincial Governments can exempt particular industries, and it may be that the Government of the United Provinces may exempt this industry of weaving from the operation of this law, but as it is, it would be best if we stuck, at least for the present, to the age of 12 and not go on to the age of 15. If Mr. Joshi and others can find out other ways by which industries can prosper and also could make arrangements for the proper utilisation of the time and energy of the children between the ages of 12 and 15, I should support him. If it is said that they should be educated up to that age, I do not know whether the country has yet made sufficient progress. . .

Mr. N. M. Joshi: There are Congress Governments in eight Provinces.

Mr. Sri Prakasa: The Congress may govern heaven, but that does not mean there will be no devils anywhere. The mere existence of congressmen anywhere does not guarantee that all evils could be abolished. Mr. Joshi seems to have an idea that congressmen are super-men. Being a congressman myself, I can say, they are only human and some of us may be even sub-human! I hope Mr. Joshi will not press his amendment, because, though he has our sympathy, yet, conditions being what they are, it will be impossible to support him.

Shrimati K. Radhabai Subbarayan: Mr. Deputy President, I should like to say just a few words by way of personal explanation. When I expressed sympathy with Mr. Joshi's amendment, I was speaking from the point of view of women. Women, through their organisations and during their conferences, have repeatedly referred to this subject and expressed the view that the minimum age should be raised. During the course of their discussions, they pointed out that in industries like that of wool-cleaning, carpet-weaving and also *beedi*-making, the air on the premises where children work is injurious to the health of young children because of the dust and fluff and it is liable to give them pulmonary diseases. That was, as far as I remember, one of the main reasons for their suggesting that the minimum age should be raised. I was not speaking as a Member of my Party on this Legislature, but I was just voicing the views that women had expressed through their organisations and their conferences.

I entirely agree with Mr. Sri Prakasa that parental affection is not the monopoly of women and that it is not women alone who are concerned with the duty of looking after children. That duty is shared equally by both, the father and the mother. I am sure that fathers are as keenly interested in the welfare of children, in the healthy growth of children as mothers are, but the trouble is that they are both often ignorant and helpless, and the State should, therefore, come to their aid.

Mr N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, although I am in sympathy with the amendment moved by my Honourable friend, Mr. Joshi, I think it is rather premature and, therefore, it has got to be opposed. Mr. Joshi is perfectly well aware that there is no educational provision made for children. Especially in provinces where more recently attempts are being made, such a limitation would be disastrous for the poor family. If the children are not to be employed in these workshops, unless they have attained the age of 15, there being no educational provision, they will have to wander on the streets. Secondly, Mr. Joshi is not possibly aware of the very bad economic position of several families who, although they are not covered by the proviso, have yet to send their children to small workshops which are covered by the schedule.

Mr. N. M. Joshi: Take away the employment of adult population.

Mr. N. V. Gadgil: The fact is that there are many families and I should say thousands of families who have to depend, in order to make both their ends meet to have some sort of labour from their children and the position in their cases will be simply disastrous. Therefore, I think from a very practical point of view, Mr. Joshi will realise that his amendment although very good, although documented by quotations from his Bible, namely, the report of the Royal Commission on Labour, yet it is premature and I am sure he will not press his amendment.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, it is my misfortune to differ from my Honourable friend, Mr. Joshi. Because he has been to Geneva where there is plenty, where there are good amenities of life, where there are first class saloons, dinners, etc., he thinks that there are not poor families in India. I am a representative of very poor persons here. All those that have preceded me were capitalists with big bank balances and their children do not do any work. The comrades say, 'they will not work'. They say: 'no work, no taxation, nothing at all but enjoyment of fine things'. But in India there are many families where poverty is visible on the very face of the members. There are all sorts of Bills introduced in this Assembly but there is no Bill abolishing poverty or banishing poverty. We want a Bill to abolish poverty not a Bill to punish the employment of children. We want some employment for the children. There is so much of unemployment in the country. What I am most interested in is the woollen industry. My own Government in the United Provinces have sunk lakhs of rupees in the Kumaon division because Kumaon produces wool and it comes from Tibet on goats. The *Achkan* I am wearing is made of wool by boys of twelve years of age. (A voice: "Shame".) Why is it a shame? I am proud of these boys. They are doing some useful work instead of idling away their time in fighting, gossiping or stealing, etc. What does the term "boy" mean? We do not know what "boy" means when in the hotels even a man with a big beard is called a "boy". So you cannot define what a boy is or a child is. Of course, what we want is that they must not be over-worked. They must be educated, well-fed and cared for

and they must be healthy. All over my part of the country there are dotted the woollen industries. If they do not employ children of 12 where are they to go and who will support them? Will Government send doles to them or distribute money? In England, the unemployed get good sums of money and still they clamour for more. In India there is so much of unemployment that these restrictions will be very galling to them. When we talk here we are thinking of cities where the people are nicely fed, nicely clothed and nicely housed; but we must go to the villages where poverty is visible and where in very difficult conditions men, women and children are working the whole day and night in the fields and in these woollen factories. It is very difficult for them to make both ends meet. So, unless we have showers of gold and silver all over India,—this year of course there has been no rain and there will be more poverty visible,—there should not be these unnecessary restrictions, specially when in my part of the country the wool industry is progressing and schoolboys are learning weaving and wool carding, etc., and earning some money. They earn two annas or four annas which is quite a lot for poor men although for us Rs. 50 or Rs. 200 may not be much and for the Finance Member even a crore of rupees is not sufficient. Therefore, I say that we must not put any unnecessary restrictions and I oppose the amendment.

Mr. M. S. Aney: Sir, there is one point to which I wish to refer. If the amendment of my friend is accepted it is likely to create difficulties in the starting of our Wardha Scheme of education altogether.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): There is an amendment to exempt the schools.

Mr. M. S. Aney: That is another matter. But in addition to all these objections it will be difficult to put that useful scheme into effect.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I have only two words to say with regard to this amendment which I am afraid I must oppose. The first is, as I pointed out, that this is a concurrent subject and a great deal of weight must be attached to the opinion of the Provincial Governments; and there is not one single Provincial Government which has suggested that the age limit should be raised beyond twelve. Secondly, apart altogether from the point stressed by Mr. Gadgil with regard to the time that these children will be wasting between twelve and 15, there is this difficulty that their vocational training will have to be postponed, because, it is within everybody's knowledge that there are very few institutions in the country which provide vocational training for children between those ages. And, if their employment in these occupations is prohibited, the natural consequence will be that the Factories Act will also have to be amended to prohibit it in those occupations where work is carried on in factories as defined by the Factories Act. Then, these children will be out on the streets, as it were, and will not be able to learn any kind of occupation till after the age of 15. I submit, Sir, that this is a serious objection to the amendment moved by Mr. Joshi.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That in clause 3 of the Bill, in the proposed sub-section (3), for the word 'twelfth' the word 'fifteenth' be substituted."

The motion was negatived.

Mr. Manu Subedar: Sir, I move :

"That in clause 3 of the Bill, to the proposed sub-section (3), the following further proviso be added :

'Provided further that nothing in this sub-section shall apply to any vocational school established by, or receiving assistance from, or recognition from, a Provincial Government'."

Sir, in order to convince the House of the necessity of this amendment, I shall have to point out that it is not desired by this amendment to make children under twelve eligible for work while the general principle of the Bill is that they should not be made to work as hired labourers. There is a system of education now devised by which it is intended that little children shall receive their education not in the sort of schools that any of us would call to mind when the word "school" is mentioned, i.e., in schools where there are benches and blackboard and a chalk and a teacher, but the schools where the children will open their eyes, and train their sense of colour and touch, etc. They will know how to produce small articles under disciplined conditions without waste. It is in order to train children to some vocation right from the beginning and by that method also train their mind and train their eyes and sense of touch and colour that a scheme has been adumbrated and is being now put into effect in many provinces. The need for that scheme is established for two reasons. One is that the old scheme of education, as we, who have been to school understand it, is not financially possible. It is to the discredit of Government opposite that after 150 years they have not been able to provide elementary education to the largest bulk of the school going population of this country. In any case they have so impoverished this country that it is no longer financially possible to provide schools of the type which you and I, Sir, attended. We, therefore, want to provide schools of the other type and in these schools we want little children, may be from the age of four and five, to begin to learn, to recognise different materials and different articles and different processes and to be able to help, and by their so helping to be able to learn the actual process of making certain simple articles of domestic use.

Sir, the greatest misfortune of this country has been that we have a large mass of untrained and unskilled labour and that skilled labour has gradually been destroyed. The largest number of artisan class in home crafts were Mussalmans in this country and if there is any survival in places you will find that the Mussalmans are still carrying on a few handicrafts, though under very serious and difficult conditions of competition. Sir, it is in order to strengthen the existing handicrafts and in order to create new crafts that these new schools are being started. Instead of having men crowding in the cities in search of work, we want work to go out to the men in the rural areas and such work to be created. In connection with the creation of such work we simultaneously desire that little children shall be associated with the establishment of these handicrafts so that they will learn these handicrafts under the expert guidance of artisans who will be established. I do not reckon that prosperity arises from mere interchange of commodities, and I certainly deprecate the idea that commodities should come from abroad or should be produced in factories in large cities and should go on penetrating into the interior even when the rural community has nothing wherewith to buy. The development which I desire to see is a movement of rural work towards urban areas.

I will say one word with regard to the Wardha scheme of education in respect of which this provision is being made. It is questioned by various people as to whether the scheme will pay for itself. In the rural areas people working full time are unable to find work to do—they are willing to do the work but are unable to find the work. There are several areas in India where they cannot find work even for an anna and a half per day. But it has been established by actual experiment that a child, if he is given definite periods of work which will not tire him out but which will keep his interest up—if there are intervals for play and work and education—can work for $3\frac{1}{2}$ to 4 hours a day in organised periods, and can produce enough, that is, can add enough value to raw material which would be the equivalent of one or two pice a day; and one or two pice has been calculated to cover the cost of education. One or two annas per day would cover the cost of the maintenance in the rural community. This is a vast subject and I do not desire to take up the time of the House by further details on this point, but I trust that the object with which this amendment is being moved will be accepted by the Government.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved :

“That in clause 3 of the Bill, to the proposed sub-section (3), the following further proviso be added :

‘Provided further that nothing in this sub-section shall apply to any vocational school established by, or receiving assistance from, or recognition from, a Provincial Government.’”

The Honourable Sir Muhammad Zafrullah Khan: Sir, I accept the amendment.

Mr. N. M. Joshi: May I say a word?

The Honourable Sir Muhammad Zafrullah Khan: Do you oppose the amendment?

Mr. N. M. Joshi: I shall tell you what I am going to do in my speech. I am not sure, Sir, whether the Honourable Member who moved this amendment has considered whether this amendment is at all necessary for his object. If his object is that *bona fide* schools should be omitted from the scope of this Bill, then this amendment is not necessary because this Bill will apply only where hired labour is engaged. I do not think in the schools contemplated by this amendment any hired labour is engaged, and therefore, the Bill will not apply to schools. But he went a little further and propounded the idea of self-supporting schools. He himself admitted that that problem is a very big one and I would not, therefore, like that problem of self-supporting schools being discussed on this amendment. If schools are to be permitted to treat the school boys as hired labourers, then, certainly, that problem will have to be considered very seriously. I am not one of those people who would like school children to be treated as hired labourers. I would not like schools to be self-supporting even, because there is that danger. I can see very well that while we are teaching children some arts and crafts they may produce some things which will have value. I do not deny that fact at all. As a matter of fact there are industrial schools in our country which sometimes sell the goods made by them—chairs, carpets and so on. But if schools are started with the idea that they must be made self-supporting then certainly there is a great

[Mr. N. M. Joshi.]

danger of children being exploited by the managers of schools. I do not, therefore, want to raise that question except to say that there is that danger; and I would suggest to the Honourable Member that if his object is simply to omit ordinary schools from the provisions of this Bill, that object is already secured because the Bill will not apply to any school where children will not be hired. Let me look at the proviso. It says:

"Provided that nothing in this sub-section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family only and without employing hired labour."

Mr. K. Santhanam: There are two conditions.

Mr. N. M. Joshi: Exactly.

Mr. K. Santhanam: I may point out that this clause applies only when the workshop is a family affair only, and where hired labour is not employed. A school will be included in the term workshop.

Mr. N. M. Joshi: Yes; but if you are not using hired labour then certainly it will not apply to these schools. If you like you can have the word 'or' put in place of 'and'. But there is a positive danger in the explanation which he gave. I do not know whether that explanation will cover these self-supporting schools. The problem of self-supporting schools should not be brought in here: it will have to be considered separately. I, therefore, feel that I am not sure whether this amendment should be made. Unfortunately, Government have accepted it and, therefore, the Congress Party and Government will carry it: there is no doubt about it; but it was my duty to express my doubt about the utility of this amendment and the danger. . . .

Mr. M. S. Aney: Where is the word 'hired' used?

Mr. N. M. Joshi: Towards the end of the proviso to clause 3—"without employing hired labour." Therefore, it will not apply to ordinary schools at all.

Mr. K. Santhanam: Sir, before you put this amendment to vote, I want to point out that Mr. Joshi's argument is not valid. If he reads the clause carefully, he will find that there are two conditions: it should be done by the family and it should not employ hired labour. If a family employs hired labour it will come under the term workshop. The school is not a family; and even if it employs unhired labour it will come under the term workshop. Therefore, this is necessary. But in Mr. Manu Subedar's amendment, the word "vocational" is used. As I understand it, the idea of the Wardha Scheme is to have craft schools and not strictly vocational schools: it is intended that every school should teach some craft, and, therefore, I suggest that the word "vocational" be deleted. I hope the Mover will accept my suggestion, as also the Government.

Mr. Manu Subedar: I have no objection to accept it.

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I may not be able to accept it.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadian Rural): Sir, if I may explain. The Honourable the Mover of the amendment does not refer to vocational schools at all, as such schools are generally for boys above 12 or even 15: the schools he referred to in his speech and which are in his mind, are these basic schools which have been accepted, if I remember aright, even by the Central Advisory Board of Education. There education is through a craft—not that it teaches the craft, but the craft is used for the purpose of education; so that it shall not be a mere sitting and hearing school, but there will be activity on the part of the boys and there will be greater interest created in their study through the craft. . . .

The Honourable Sir Muhammad Zafrullah Khan: Then, it will not be a workshop.

Mr. T. S. Avinashilingam Chettiar: I am coming to that point. It will be a workshop under this section. Some of the processes specified in the Schedule may be practised there. According to the definition, a workshop means any premises (including the premises thereof) wherein any industrial process is carried on without the aid of power. An industrial process will be carried on in that school, and hired labour may also be employed in the school, for instance, an artisan may be employed to teach or assist the school, and that will be hired labour. Even with the proviso to clause 3 such a school will come under the mischief of this section; and we want that any ordinary school which wants to exploit any craft for the purpose of education, which is the real ideal of the Wardha scheme of education,—and not to exploit the children,—such a school should be exempted.

Mr. N. M. Joshi: The children will be exploited.

Mr. T. S. Avinashilingam Chettiar: Not at all.

Mr. N. M. Joshi: There are good men and bad men.

Mr. T. S. Avinashilingam Chettiar: You are giving power to Provincial Governments to administer the whole of the Act, and you are giving them power also to make exemptions, and if you cannot exempt a school which is recognised by the Provincial Government, it is something which I don't understand. I am afraid, Sir, there is a confusion in the mind of my Honourable friend, Mr. Joshi, and also in the mind of the Honourable the Commerce Member, if I may respectfully say so. I do think that if this exception is not specifically provided for it will be covered by the definition of the word "workshop" and will come under the mischief of this section. Therefore, Sir, I support the amendment.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadian Rural): Mr. President, I must say a few words on this matter in order that the object of omitting the word "vocational" may be correctly understood

The Honourable Sir Muhammad Zafrullah Khan: What is the amendment before the House? The amendment as it stands on the paper?

Mr. Bhulabhai J. Desai: That is perfectly true, but it has not been unknown to this House, nor to my Honourable friend, that if we, during the course of the discussion, discover that a word has crept in, which is incorrect, and which would defeat the purpose of the amendment and of the Act itself, surely we are entitled to point that out, and we can appeal to the House to omit that particular word, and surely if it came to that, may I ask my friend himself,—and I am doing it in all humility,—that in order that we may not legislate foolishly,—to postpone the discussion of this matter till tomorrow morning

The Honourable Sir Muhammad Zafrullah Khan: I am not objecting to any formality, but what exactly are we discussing? I have already said that I am prepared to accept the amendment as it stands, but I may not be able to accept the amendment to the amendment as it is proposed to be put.

Mr. Bhulabhai J. Desai: But for my friend's statement I would not have intervened in this debate. I quite agree that it is our duty to examine the amendments before they are put in, but sometimes through either lack of proper understanding or due to some other cause you find that the description covers something different to what was intended.

Now, the words are :

"Provided further that nothing in this sub-section shall apply to any vocational school established by, or receiving assistance from, or recognition from, a Provincial Government."

The words used here are "any vocational school",—and you will find those words at the bottom of the page. It is true in one sense that in any scheme of education—I am not trying to emphasise too much on the Wardha Scheme or any other scheme,—all these words have also an unfortunate reaction. I am not, therefore, putting that on that ground at all.

Now, Sir, there is in this country a movement for education on lines which are supposed to be more useful to pursue. We begin to feel that a farmer's son coming to a school and getting a certificate becomes superior for either moving the plough or going deeper into the mud; instead of becoming a better farmer, he wants to become a clerk. It is now a matter that is beginning to be recognised, and we now begin to see that the whole cause of unemployment has been due to the fact that the education of our boys has been too literary. It does not mean that the present literary education makes a man a better farmer or a better clerk, but it has made him much worse, and that is why we have had some 400 applications for a job on Rs. 50, and, therefore, Sir, I am speaking with great earnestness. Let there be no misunderstanding on this question about the purpose of omitting the word "vocational" from this amendment. The object really is this, that a technical school which will be established in the future, and conveying the ordinary knowledge through or by means of a craft will not be the same thing as what is understood in England at all events as a vocational school. There, after a certain amount of primary education, a boy may be sent to a special vocational school with the specified object of learning a particular vocation. Now, that is not going to be the purpose of the primary schools which are intended to be established and for which experiments are being undertaken by certain Provincial Governments. Their object is this. On the one hand, it won't be a vocational school in

the proper sense,—it may be exercising what you may call an industrial process within the meaning of section 2 (d), and it is only that I wish to guard against lest, later on, the Provincial Governments' attention having been drawn they should come to the House again and say: "Here are our children and many of them are below 12 who are marked out for some form, however small, of an industrial process, and, therefore, caught by the word "workshop". That is all that I am trying to prevent happening. Now, Sir, look at the definition of "workshop", and see whether, if you teach even the most rudimentary things like carpentry or small things like that, such schools shall or shall not be covered by the definition of workshop as made here. The definition of a workshop as given here is "wherein any industrial process is carried on without the aid of power" including the precincts wherein any industrial process is carried on. Now, of course that has been altered. Then, the proviso, which is there, is not enough to take it out of it. The proviso says:

"Provided that nothing in this sub-section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family only and without employing hired labour."

The only point, therefore, before the House is this. When my Honourable friend accepted this amendment, I am sure he intended that if any industrial process is carried on in a school, then that industrial process should be allowed to be carried on without the prohibitions contained in this Act. If that is the intention, then when the description of "vocational schools" is examined, it is found not to be correct, because the words "vocational schools" would exclude from its operation all schools which are really intended to be schools where proper education would be given to boys, that is to say, training of the mind, as my friend says, training of the boy's faculties, colours, and all the rest of it, and all these would be taught through some form of rudimentary industrial process. Therefore, I do assure my friend that we have no desire to do anything which we did not intend by moving this small amendment for the omission of the word "vocational". It only escaped our attention. The words "vocational schools", technically stated, are not correct, but if the word "vocational" is omitted, it will still be a school which is established by or receiving assistance from, or recognition from, a Provincial Government, and those would be the primary schools established for the benefit of the children themselves. Therefore, Sir, I do appeal to my Honourable friend to assist us by accepting the amendment with the omission of the word "vocational". The very purpose of the proviso would have no value whatever if the word "vocational" is not omitted. In fact, there are hardly any vocational schools in this country as such except a few technical schools,—there is one perhaps in Ahmedabad, but the boys who attend those schools are older boys,—there are no boys there below twelve.

The Honourable Sir Muhammad Zafrullah Khan: Sir, it is not that I am not in complete sympathy with the object that the amended amendment would have, but my difficulty is this. We are familiar with vocational schools, and, therefore, when we are making an exception in their favour, we know what we are doing. We are not yet familiar with the kind of school that the Honourable Member has been describing so that we are not quite sure what the character of those schools would be, and whether, actually, in those schools there would be any danger of the exploitation of the children in the manner that has been pointed out by

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at least one Honourable Member. When a number of these schools have been established and it is shown that these schools have this particular object in view and that there is no kind of apprehension with regard to any exploitation and so on, it would be the easiest thing in the world to omit this word "vocational" from the Act. I would, therefore, submit that, having made their point, Honourable Members may be satisfied for the moment with the amendment as it is put down and wait till these schools have been established.

Mr. T. S. Avinashilingam Chettiar: The school should be approved by the Local Government according to the amendment.

Mr. Bhulabhai J. Desai: There is no chance of the Provincial Government likely to allow children to be exploited by a school. It is too much of a special pleading.

The Honourable Sir Muhammad Zafrullah Khan: I say that *prima facie* I have every sympathy with the object in view, but I do not think that any hardship will be involved if we wait till a number of these schools have been established.

Mr. Bhulabhai J. Desai: But they cannot possibly commence. I do appeal to my Honourable friend to see that there is protection. So far as it is established by the Provincial Government, we certainly have enough confidence in them notwithstanding the criticism of the Geneva member here who always talks of exploitation except of himself—that he should start this kind of hare when criticising things of which I wish he would make a study a little more carefully.

Mr. N. M. Joshi: How do you know I have not studied?

Mr. M. S. Aney: If we do not omit the word "vocational" the great difficulty is that the scheme that we want to try will not begin at all. It has been stated that a number of schools would be opened actually on the 6th April, in C. P. and Berar. But if there is a legislation of this kind which is likely to come in the way of those schools, and there is no power conferred on the Local Government to make any modifications in that respect the experiment could not be started. I, therefore, think that nothing should be done in this Bill to create a difficulty in the way of starting that experiment which will begin on the 6th April. I, therefore, submit that the little change that has been suggested will suit the purpose without in any way creating any difficulty.

The Honourable Sir Muhammad Zafrullah Khan: I agree.

Mr. President (The Honourable Sir Abdur Rahim): If it is the general desire of the House, the Chair is prepared to put the amendment to the House without the word "vocational".

Honourable Members: Yes.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in clause 3 of the Bill, to the proposed sub-section (3), the following further proviso be added:

'Provided further that nothing in this sub-section shall apply to any school established by, or receiving assistance from, or recognition from, a Provincial Government.'

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That clause 4 stand part of the Bill."

Mr. K. Santhanam: Sir, I beg to move:

"That in clause 4 of the Bill, in the proposed section 3A, for the word 'notification', where it occurs for the first time, the words 'previous publication' be substituted."

My object is that the Provincial Government should publish a draft of the changes which they want to make and they must consult the organisations concerned and take their opinion. Of course, I think this is also the intention of those who drafted this Bill, but as it stands, the clause says:

"The Provincial Government after giving, by notification in the official Gazette, not less than three months' notice of its intention so to do, may, by like notification, add any description of process to the Schedule . . ."

I want to make it explicit that the intended changes should be published and then opinions invited. The words "previous publication" have got a definite meaning under the General Clauses Act. I think all those processes should apply to the changes intended; otherwise, they may simply publish and put the changes into operation at once without asking for the organisations concerned. I may also point out that if my amendment is adopted, I would like that the word "like" in line 4 should be deleted as a consequential change. That I shall do, with your permission, after this present amendment of mine is carried.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in clause 4 of the Bill, in the proposed section 3A, for the word 'notification', where it occurs for the first time, the words 'previous publication' be substituted."

The Honourable Sir Muhammad Zafrullah Khan: I am afraid that I cannot appreciate the object of this amendment. The clause, as it stands, says:

"The Provincial Government, after giving, by notification in the official Gazette, not less than three months' notice of its intention so to do, may, by like notification, add any . . ."

It is quite clear that the change that they intend has got to be published in the official Gazette three months previously.

Mr. K. Santhanam: I beg leave of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. N. M. Joshi: I move:

"That in clause 4 of the Bill, in the proposed section 3A, the words 'or omit any of the processes therefrom. or otherwise amend the Schedule in such manner as it thinks fit' be omitted."

This is rather a strange provision. This is giving power to the Local Government to practically destroy this measure. I have seen legislation where the Government of India have given power to Provincial Governments to make further provision or add something to the provisions which they have made. But I have not yet seen a legislation passed by the Government of India where the Government of India have given power to Provincial Governments to completely destroy the measure which they have passed. Some Provincial Governments may take it into their heads to remove all the industries from the schedule and what will remain in the Bill? My Honourable friend, Mr. Azhar Ali, said that there were no reactionary Governments in India. I do not wish to name any names, but at the same time there are some progressive Governments and there are some reactionary Governments. It is according to the ordinary human law. I know a Provincial Government where a small measure like a maternity benefit Bill was introduced. It was supported by a prominent lady belonging to the Government Party, but the Bill was not given even the first reading.

Mr. Muhammad Azhar Ali: Those days are gone.

Mr. N. M. Joshi: They are not gone. That was done only perhaps in the course of last year. I won't name the Government. It is not my desire to say which Government is reactionary, but sometimes some Governments act in such a way that we have to call them reactionary. Moreover, there is another reason. There are some doubting Thomases like my Honourable friend, Mr. Sri Prakasa, in the Congress Party. That Party is an influential party. I am not suggesting that the Congress Party consists of reactionaries but there are people like my friend, Mr. Sri Prakasa. They have got influence with that party. Whenever there is labour legislation they do not know what will happen to the industry. He said that there are certain processes which only children can perform. Everywhere, even in Europe, weaving is done by adult people. If they have got to go up on a roof, why should they not use the ladder or use some steps. Surely some device can be found by which adult people can do the work of young children.

Mr. Sri Prakasa: There is no space between the roof and the mechanism where an adult can sit.

Mr. N. M. Joshi: Then that requires further legislation. That factory is dangerous and unhealthy. Therefore, that kind of arrangement should not be permitted at all. Then my Honourable friend said that I often bring forward proposals from Geneva and the Honourable the Leader of the Opposition also talked about my being a member from Geneva or for Geneva. I have not got the inferiority complex of my Honourable friends. I do not see why proposals coming from Geneva should not be applicable

to India. I have firm confidence in the working classes of this country. They are as good as the workmen of any other country in the world. Therefore, proposals which are good for Great Britain and good for France are good for India. Let my friends give up this wrong complex. Then I have been asked by my Honourable friends as to how children will be able to utilize their time if they are not employed. I have made it quite clear that it is better that they play till the age of 15 than to be made to take the place of adults. What will happen if the children take the place of the adult population. Why don't they ask themselves this question. If the children get work and ruin their health, the adult population does not get work. They become demoralized. It is better that the adult population work and the children play. It is not certainly the right way of maintaining a family by making the children work while the adults have nothing to do. Let the adult men and women work and not make the children work. No wrong will be done by allowing the children to play. They will grow strong, if they play in the open or go about looking after cattle. I, therefore, think that it is not proper to give power to the Local Government to stultify the Bill. I can understand power being given to the Local Government to add but no power should be given to omit. My friend, Mr. Subedar, said that there must be co-ordination. Co-ordination will come about if Government insist on a certain minimum. The Government of India have mentioned in the schedule certain minimum industries to which the Provincial Government may add but if you give power to the Provincial Government take away from that schedule, then there will be no co-ordination. It is with that object that I have moved my amendment and I hope that the House will support it.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved :

"That in clause 4 of the Bill, in the proposed section 3A, the words 'or omit any of the processes therefrom, or otherwise amend the Schedule in such manner as it thinks fit' be omitted."

Mr. Sri Prakasa: My Honourable friend, Mr. Joshi, has done me the honour of mentioning me more than once in his speech, and I should like to explain exactly what I mean when I say that I cannot support his amendment. If I may say so with all respect, Mr. Joshi spends all his time between Geneva, Bombay, Delhi and Simla and the result is that he does not come face to face with the problems with which he is dealing. I referred earlier in the course of the discussion of this Bill to the conditions in which the weaving industry is carried on in Benares, for instance. My Honourable friend said that it was wrong to allow a factory to exist in a place where the roof is so low that an adult cannot sit between the upper part of the weaving machine and the roof. Well, there is another problem attached to this, namely, that the mechanism itself is attached to the roof, so that the roof cannot be very high. In the Benares Municipality, we wanted to make a bye-law that the roof of the houses on the ground floor should not be less than so many feet high. There was lot of objection, because if the roof were made as high as we think sanitation requires, then these factories or workshops could not exist and the whole of the weaving industry will have to go. Whether the industry should remain or not is a question on which I am not prepared to give a definite answer but the fact is that 60,000 people in Benares make their living by weaving and it is a cottage industry in the sense that the weaving is done in the home of the weaver.

[Mr. Sri Prakasa.]

My friend says that adults should be employed. As things are, children of the family and the children of the neighbours work in these factories and there is no definite payment to be made to workers employed from outside. If these weavers employ labour from outside, they will have to pay wages. They will have to feed their children and pay wages to outside labour, with the result that there would be nothing left for themselves. Now, there must be such industries elsewhere also. As I said, I am very much in favour of the principle for which Mr. Joshi stands. In fact, I should go further and I should be happy if there should be no necessity for any work at all for any one at any age; but that is not practical politics and, therefore, we have to draw the line somewhere. So I think that when the Bill proposes to give power to the Provincial Governments in this behalf, we should not take away that power. Our legislation should seek to do good and to give better conditions and not make matters worse.

Therefore I feel that this provision is a healthy one and the elimination thereof would entail hardship and instead of doing good it would do evil. My Honourable friend, Mrs Subbarayan, mentioned the pledged labour of children, which is a very bad thing, and I am sorry to say it does exist in Benares. People pledge their children's labour for so many years owing to poverty; and many take advantage of it. All that must go. But how is that to go? There is the problem of poverty, there is the problem of peculiar social conditions, there are so many other problems in India, India is a museum of problems, and how to tackle all these problems passes my understanding. If only social workers will face the problem from a practical standpoint, they will be able to do much good and will help in bettering conditions. But if they come forward with proposals which cannot be implemented, then we would be nowhere. What I fear is that when we sit here and legislate, we think of the problem only from the standpoint of high principles. But if we do not take practical matters into consideration, the result is that most of these laws become dead laws.

It is impossible to enforce a law which is not commensurate with the moral and material conditions of the people. Not only a law like this but there are plenty of laws in our country which are really dead letters because they are impracticable and impossible and the people simply would not follow them. The State helplessly acquiesces and they remain only on the statute-book. Unless you have the means to enforce a law after you pass it, you are leading the country nowhere. I, therefore, think that the Provincial Government should be armed with the power that the Bill gives and we should not take away this power.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I agree with Mr. Joshi in his major premise when he said that the workers in India are as good as the workers in other countries, but he entirely omitted another premise in his conclusion and consequently he was compelled to come to a wrong conclusion. In other countries, there are schools where boys are sent in a compulsory manner up to the age of fourteen, in some countries at the age of twelve and thirteen, but in nearly every country, from the age of twelve boys and girls are compulsorily sent to schools. Such schools do not exist in India. Later on, there are continuation classes where boys are

kept up to the age of fifteen, and the Governments use every method to induce the parents to send their children to continuation schools after the compulsory period is over. Such being the case in other countries, it is reasonable that children should not be given any work till the age of fifteen, so that parents may be induced to send these children to continuation schools. They are not expected to wander about. In our country, however, we have got no continuation schools, and if we debar boys from being employed before fifteen and blindly follow the conditions in European countries, the result will be disastrous. No doubt I would prefer boys playing, but they would be apt to wander about, and if a boy has spent over three years in bad society, he will not be a very good worker later on. It is all right for my Honourable friend to introduce the same conditions in India as exist in other countries for which such legislation has been recommended,—that is, provision for healthy recreation, provision for some kind of education, some kind of healthy pastime, and when we can secure these things here, then and then alone can we come forward and say that the conditions in India are now the same as in other countries and you ought now to enforce the Geneva Convention. Sir, my friend rightly said that Mr. Joshi spends all his life either in Geneva or in New Delhi and Simla, and the one thing for which he has no time is to see the actual conditions of labour.

Mr. S. Satyamurti: Sir, I think it is time that the House came back to the amendment as it actually stands on the order paper. The clause as it is provided in the Bill says :

“The Provincial Government, after giving, by notification in the official Gazette, not less than three months’ notice of its intention so to do may, by like notification, add any description of process to the Schedule, or omit any of the processes therefrom, or otherwise amend the Schedule in such manner as it thinks fit, and thereupon the Schedule shall have force in the Province as if it has been enacted accordingly.”

The words Mr. Joshi wants to omit are :

“or omit any of the processes therefrom, or otherwise amend the Schedule in such manner as it thinks fit.”

It comes to this, that this amendment, if it is accepted by the House, will leave the Schedule as it stands and it will be open to a Provincial Government only to add fresh processes to the Schedule. Sir, the Congress Party has no complex, either inferiority or superiority, it has the supreme intellectual complex to see the thing that is right and to support it even if it comes from Mr. Joshi. Further, the Congress Party realizes, when this House is asked to legislate on a first-class matter like this, that we ought to see that the processes are carefully selected, but as the House will see, we have carpet-weaving, cement manufacture, cloth printing, dyeing and weaving, manufacture of matches, explosives and fireworks, etc. I think the House would be ill-advised, if I may respectfully say so, not to vote for the amendment because all these are processes in which we do not want children below twelve to be employed. I want the House to note that there are two exceptions which the House has already accepted, *viz.*, where the family itself is carrying on any of these processes without employing hired labour, that is to say, if parents carry on with the work of their children or their relations and it is all one family, then this Act will not apply; and secondly, the House has accepted the amendment to exempt all schools from the operation of this Act, which means that wherever such processes are carried on for the purpose of education in our schools, the

[Mr. S. Satyamurti.]

Act will not apply. Under those circumstances, it seems to me that we have got all necessary exemptions, and it is not right or wise to give Provincial Governments the power to practically wipe out this Act.

In all these matters of legislation, I think the Government and the House must have a mind of their own. It is all right to give Provincial Governments powers in directions where they are more in touch with provincial conditions, or can know about future contingencies in the provinces and ask them to legislate either by passing Bills or by executive order, but in a matter of this kind where as the result of these inquiries Government have on receipt of expert advice put in these things in the schedules, it seems to me it is a tall order to give Provincial Governments the power to practically repeal the whole Schedule, or amend it in any manner it thinks fit. It is not a question of not trusting Local Governments, but of trusting ourselves. If the Government and the House feel that, except in the case of families working without hired labour and schools where these processes are taught as part of education, children below twelve ought not to be employed, let us say so, and let us not allow Provincial Governments to tamper with it, whatever the pressure of vested interests may be. Therefore, it seems to me that the Government and the House would be wise to support the amendment and forgive and forget Mr. Joshi's sins, whenever he talks of Geneva; and I want to conclude on that note. Sir, I do want labour in this country to be treated humanly and humanely, but I know that I am industrially backward and if I cannot compete with other countries who are dumping their goods into my country, well, I am not going to imitate whatever Mr. Joshi brings from Geneva without carefully considering the good of this country. We want to become industrially prosperous, economically self-sufficient and to be enabled to export our goods. We must, therefore, take steps in that direction. Please do not tell us that whatever suits France or Germany or England, which have become highly industrialised and which dump their goods on us, must be copied by us immediately. I must apply my own mind to it and, applying my own mind to it, I commend to the House this amendment.

Mr. M. S. Aney: Sir, I can quite see the object of the amendment which my Honourable friend, Mr. Joshi, has moved, but the difficulty is that he wants to retain the powers of the Provincial Governments to add and the power of omission is taken away. As a matter of fact, I made a few observations in the general discussion over this point and I then categorically drew the attention of the Honourable Member to clause 4 stating that I should not like to entrust the Provincial Governments with any power at all to tamper with the list either by way of addition or by way of omission. That was the view I took. Mr. Joshi wants to retain the power to add but he wants to take away the power to omit. My objection to this kind of amendment is that we are not really giving this Act a proper form. If there was an amendment to the effect that the whole of the clause 3-A be omitted, his purpose would have been very well served. If we can once concede to the principle that we can trust the Provincial Government to make an addition to this list, there is no meaning in saying that we cannot trust that Government from seeing whether in the conditions prevailing in that province a particular industry should be there or not. It is rather from that point of view that the amendment seems to be a very unartistic and arbitrary one and the legislation also with that sort of mutilated clause

would not read well. That is the only difficulty. If the amendment was that sub-clause 3A be omitted, I would have gladly supported it. In the absence of that, half a loaf is better than nothing and for that reason I support his amendment.

The Honourable Sir Muhammad Zafrullah Khan: Sir, having regard to the views expressed from different parts of the House, I will not oppose the amendment.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in clause 4 of the Bill, in the proposed section 3A, the words 'or omit any of the processes therefrom. or otherwise amend the Schedule in such manner as it thinks fit' be omitted."

The motion was adopted.

Mr. T. S. Avinashilingam Chettiar: Sir, I move:

"That in clause 4 of the Bill, after clause (a) of the proposed section 3(B), the following be inserted:

'(d) the name of the person in actual management of the workshop'."

The Honourable Sir Muhammad Zafrullah Khan: Why not place this clause immediately after clause (a) and re-letter the subsequent clauses.

Mr. T. S. Avinashilingam Chettiar: The Honourable Member can do as he thinks best. Sir, the occupier has been defined as one who has the ultimate control over the work of a workshop; the person in actual management is also necessary, if we are to give effect to the Act. I do not think any further speech is necessary.

The Honourable Sir Muhammad Zafrullah Khan: I think it would be better to insert this clause after clause (a) and call it (b) and re-letter the subsequent clauses.

Mr. President (The Honourable Sir Abdur Rahim): Very well. Then, the amendment will read thus:

"That in clause 4 of the Bill, after clause (a) of the proposed section 3(B), the following new clause be inserted and the subsequent clauses be re-lettered accordingly:

'(b) the name of the person in actual management of the workshop'."

The question is:

"That in clause 4 of the Bill, after clause (a) of the proposed section 3(B), the following new clause be inserted and the subsequent clauses be re-lettered accordingly:

'(b) the name of the person in actual management of the workshop'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clauses 5, 6, 7 and 8 (including the Schedule) were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I move:

"That the Bill, as amended, be passed."

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan: Sir, the House will see that there are two further motions in my name, one relating to the Bill to establish standards of weight throughout British India and the other to the Bill to make further provision for safety in coal mines. The position with regard to the last Bill is that it is the general desire that it should be sent to a Select Committee. I am afraid we have now arrived at a late hour in the day, but if the House would agree to, I would leave out for the present motions Nos. 6 and 7 and proceed with motion No. 8 and put the matter very briefly before the House, for, the difficulty is this. If we do not agree to send this Bill to a Select Committee today the matter will not be reached again till the 24th February, and if a Select Committee is then set up having regard to the business before the House—the Budget, the Finance Bill and other measures—I am afraid it will be almost impossible to pass this Bill during the current Session. As I understand that it is the desire of Honourable Members that the Bill should go through during the current Session, I am suggesting the course I have mentioned. If there is no objection, I shall proceed to move the motion standing in my name as item No. 8 on the order paper.

Mr. President (The Honourable Sir Abdur Rahim): The Chair takes it that there is no objection.

Honourable Members: No objection.

THE COAL MINES (STOWING) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I beg to move:

"That the Bill to make further provision for safety in coal mines be taken into consideration."

Sir, this Bill results from the recommendations of the Coal Mining Committee which was set up two years ago. There are two main provisions in the Bill, the one seeks to confer power on the Mining Inspectorate to enforce stowing and the construction of protective works where such measures are necessary in the interest and safety of workers and the other is that relating to the creation of a fund by levying an excise duty for assistance towards stowing. The remaining provisions of the Bill are merely subsidiary and concern matters of detail. Now, this Bill has become necessary because in the Jharia and Ranigunj coalfields, from which 70 per cent of the supply of coal comes, the working has been carried on to an extent where the main extraction of coal now is from the pillars that were left standing in the first workings. There is grave danger that if provision is not made for sand stowing, the working may be carried on in a manner which may be extremely dangerous to those who have to carry on work underground in these mines. There is another aspect of the matter

also that working without sand stowing or some substitute for sand stowing is likely to lead to a good deal of wastage or uneconomic extracting of coal so that though the main object of this Bill is to ensure greater safety of people working in the mines, an important feature of the Bill is also to secure conservation. Having regard to what I have already said with regard to the state of business before the House and the necessity that the Bill shall be referred to a Select Committee this afternoon, I shall say no more on the provisions of the Bill. It is a measure of a technical character and any improvement that may be desired can be more easily carried out when it is scrutinised in the Select Committee. But I may be permitted to mention this. The idea is that if the House agrees to send this Bill to a Select Committee then those Members who are nominated to serve on the Select Committee should be prepared to sit in Select Committee on the afternoon of the 16th February, that is to say next Thursday when the House will be engaged in general discussion on the Railway Budget. I hope, Sir, that it will be possible for Members who agree to serve on the Select Committee to so arrange that they would be free to sit on the Select Committee during the course of the afternoon on 16th February. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill to make further provision for safety in coal mines be taken into consideration."

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I beg to move:

"That the Bill be referred to a Select Committee consisting of the Honourable Sir Muhammad Zafrullah Khan, Mr. N. Mahadeva Ayyar, Mr. A. Aikman, Sir Abdul Halim Ghuznavi, Mr. B. Das, Mr. Ram Narayan Singh and the Mover"

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): May I suggest the inclusion of the name of Mr. N. M. Joshi? After all, it is a matter concerning labour.

Mr. Akhil Chandra Datta: I have no objection.

" Mr. N. M. Joshi and the Mover with instructions to report on or before the 28th February, 1939, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, as it is the general desire of the House that this Bill should go to the Select Committee, and having regard also to the fact that we must finish this motion today, and having only 15 minutes more left for the day for adjournment, I propose not to make any lengthy speech. This is a matter on which there are many things to be said. But in view of the circumstances I have just mentioned, I shall make a few observations.

My grounds for making a motion for referring the Bill to a Select Committee are these. Firstly, the subject is one of very great complexity. Admittedly, it is a matter not only of great complexity, but also it is a matter of great importance, some of the provisions are very controversial. For instance, the provision relating to cess is highly controversial. So far as the main principles of the Bill are concerned, namely, the safety of workers and conservation of the resources, so far as these two principles are concerned, there can be no exception taken. We accept those principles, but questions involved in this Bill, the problems sought to be solved in this Bill are not merely questions of principles, but are matters of great detail. Specially this compulsory sand stowing in a

[Mr. Akhil Chandra Datta.]

mine is an innovation in this country. Besides there are no materials, there are no statistical data before us either given by the coal mining committee or by the Government up to now. Therefore, these are matters of detail which cannot be very suitably discussed in the open House. These are my grounds for moving the motion for referring the Bill to a Select Committee.

I shall just briefly indicate a few points on which it is necessary to have clear views in the Select Committee. As regards safety and conservation, I am afraid there is some confusion of ideas about the provisions of the Bill as applicable to these two objectives. So far as safety is concerned, I should think that it is a matter for individual collieries. It is not a matter for which the State should provide any fund or subsidise or finance. So far as conservation is concerned, that is certainly a matter of national importance, and that is a matter for which provision should be made by the State. On the question of safety, the general position is that if any provisions are now necessary for the safety of these workers, that is because in some cases the working has been on very unsound and unscientific methods. The result is that any further operation has become impossible without some such protective measures as stowing. My point is that if any particular colliery or particular groups of collieries are responsible for this state of things, other people should not be made to pay for their sins—sins of commission and omission. There are coals and coals in our country, coals of a superior quality and coals of an inferior quality. So far as the superior grade collieries are concerned, I am assured,—though I cannot speak with confidence, having no practical knowledge and experience of these matters,—that stowing is necessary only in the big collieries of superior quality coal. So far as the inferior grade collieries are concerned, I am told,—I speak subject to correction,—they will require no stowing operations for a very long period. If that is so, the question arises what should be the arrangements of the finances. On this question of cess, there are different opinions. Some people think that the cess should be paid only by individual collieries for whose benefit any stowing operation is necessary. Others think that the sources of coal are a national asset, and, therefore, it is for the benefit of the entire nation and therefore the State should pay for the stowing operations. A third opinion which has been accepted in the Bill before us is that there should be a general cess for the entire coal industry.

Now, Sir, I have no time to dilate on these points, but I will only say that these are questions which will have to be discussed in Select Committee, *i.e.*, who should pay the cess and whether the cess should be paid at the same rate for all the coal-fields. Another question is whether the cess should be applied universally to all the coal-fields or only to those coal-fields which will be benefited by these stowing operations. Another vexed question is, whether the assistance that is proposed to be given to the collieries for stowing operations should be in the shape of money or in the shape of free supply of sand at the site of the colliery. There is another very important question about cess, and that is the customs duty. We find that in the Bill it is provided that the customs duty should be levied only from the Indian States exempting foreign imports. There are these matters of details to be considered, and, therefore, it is necessary that the Bill should be discussed in the Select Committee before it is taken up here. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That the Bill be referred to a Select Committee, consisting of the Honourable Sir Muhammad Zafrullah Khan, Mr. N. Mahadeva Ayyar, Mr. A. Aikman, Sir Abdul Halim Ghuznavi, Mr. B. Das, Mr. Ram Narayan Singh, Mr. N. M. Joshi and the Mover, with instructions to report on or before the 28th February, 1939, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Honourable Sir Nripendra Sircar (Law Member): Sir, I shall take up one minute of the time of the House, not for the safety of coal mines, but for the safety of myself. The motion is for making a report by the 28th February, as unless it is discussed on the 28th February, there is no chance of the Bill getting through this Session, and I am told that the Bill is really very urgent. That means that I have got to finish it by the 17th, because it must lie on the table for seven days. I am quite prepared to do whatever is humanly possible, but I see no prospect of our finishing it by the 17th unless Honourable Members of the Select Committee will agree to sit on Thursday at half past two. I am not using a threat, but that is my position. If they agree, we can carry it out on Thursday and, if necessary, sit a little late or carry it on to the next day. But it depends on the members of the Select Committee to agree to sit on the 17th, so as to enable me to carry out the orders of the House.

Mr. Akhil Chandra Datta: Sir, I have no objection.

Mr. A. Aikman (Bengal: European): Sir, I have no objection.

Mr. Sami Vencatachalam Chetty (Madras: Indian Commerce): Sir, I am aware that this motion has got to be put through before we rise for the day and I shall, therefore, be very brief with regard to this motion. I shall only mention the major heads in which it would be possible to raise a big discussion in connection with this Bill. I am told that the report of the Coal Mining Committee of 1937 and a prior committee of 1920 are the origins of this Bill. In both these reports I find that the difficulties raised for the purpose of sand-stowing are so great that it is practically considered to be a task beyond human powers. But it is one thing to leave it as hopeless and it is quite a different thing to attempt to do something. In any case I must say that this Bill is not brought forward for the safety of coal miners at all; that is an illusion which many of us are led into. On the other hand it is for the purpose of the so-called conservation. Conservation in the dictionary of coal mining is extracting as much as possible and using it for fuel. In the ordinary sense of the word it means the reserving of resources. Conservation is merely extracting from the pillars which are left as props on which there is loose surface. So we need not be beguiled by the fact that the word "conservation" is used in this connection. There are very many large principles that are raised in this Bill. In the first place Government is going to be allowed to levy a cess of six annas to twelve annas on various grades of coal on all coal mining production for the next 30 years, because 30 years seems to be a modest estimate by which sand stowing would be completed for those places in which there has been a danger both for life and property. If only it was the intention of Government to save the lives of the miners I am sure they have already got powers in order to stop the further exploration of these mines or create sufficient barrages so that the question of the safety of miners

[Mr. Sami Vencatachelum Chetty.]

does not at all arise. It is with a view to take as much as possible from the coal mines that this Bill is devised. Now, it is thought that this cost of stowing should be undertaken by the whole trade. That is again a false impression that the trade is bearing the cost of this. When you levy a cess of eight annas or twelve annas on every ton of coal that is extracted, you are actually increasing the price of coal. I do not know whether there is enough margin between the cost of the coal that is taken out of these mines and the coal that may be imported as to enable the coal mining industry to bear this additional cost of eight annas.

There is a very subtle provision made that the amount of cess shall be paid along with the freight. That means that you are merely shoving it on to the consumer. The question is whether our industry is in such a prosperous condition as to bear the additional cost of eight annas that may be levied as cess; and again granting that all these things do materialise, there is the question, where are your supplies? There is yet no estimate formed that you are able to supply either sand or earth in order to fill up all these gaps. According to one estimate there are experts who say that there is enough of sand in the beds of the Damodar and some other rivers. There are again other experts who say that this sand cannot be touched, that it will be required for purposes of stopping floods and such things and that there is no source of replenishment of sand once it is removed. Moreover, I am told that the lease of the rights of the Damodar river has already been purchased by a very big company. Therefore it devolves upon this board to acquire from that company all these rights in order to supply sand or earth to these mines. In any case it is also stated that while it is the Jharia and Raneegunj collieries that suffer from this defect, the other coalfields such as those in Berar and other places have also to pay for this

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member is not going to finish today

Mr. Sami Vencatachelum Chetty: I am finishing now, Sir. I shall only point out to the Select Committee, as has been done by the Honourable the Mover, the Deputy President, that these are all very complex problems and I am surprised that in face of these we are being stampeded after a discussion of fifteen minutes. However, I hope that the Select Committee will bring out a better Bill in order to give protection not only to those persons who have actually grabbed this coal but also to those who are the consumers for industrial purposes.

Honourable Members: The question may now be put.

(Two Honourable Members rose to speak.)

Mr. President (The Honourable Sir Abdur Rahim): The difficulty is that closure is apparently wanted from all sides; but the Chair understood that it was agreed among the Parties that this motion will be concluded today.

Honourable Members: Yes.

Mr. President (The Honourable Sir Abdur Rahim): If that is so, the Chair accepts the closure. The Chair finds that two Honourable Members from the Congress Benches are trying to speak.

Mr. S. Satyamurti (Madras City: Non-Muhammadian Urban): I can assure you, Sir, that the Party wants the motion to be put.

Mr. N. M. Joshi (Nominated Non-Official): I have no desire to make a speech, Sir

Mr. President (The Honourable Sir Abdur Rahim): The Chair will not allow anything more to be said now. The closure is now before the House. But if that has not been arrived at by arrangement, then the Chair will let the debate go on another day.

Honourable Members: The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the question be now put."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill be referred to a Select Committee, consisting of the Honourable Sir Muhammad Zafrullah Khan, Mr. N. Mahadeva Ayyar, Mr. A. Aikman, Sir Abdul Halim Ghuznavi, Mr. B. Das, Mr. Ram Narayan Singh, Mr. N. M. Joshi and the Mover, with instructions to report on or before the 28th February, 1939, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 14th February, 1939.

LEGISLATIVE ASSEMBLY.

Tuesday, 14th February, 1939.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

MILITARY TRAINING IN PROVINCES.

354. *Mr. T. S. Avinashilingam Chettiar: Will the Defence Secretary state :

- (a) whether Government have received any representations with regard to the giving of military training to people of all the Provinces and the giving of opportunities to people of all Provinces to join the army;
- (b) whether Government are aware of a resolution of the Tamil Nadu Conference held at Rajapalayam to the same effect; and
- (c) whether Government have considered the matter, and if so, to what effect?

Mr. C. M. G. Ogilvie: (a) No.

(b) No.

(c) I refer the Honourable Member to the reply I gave to parts (c) and (d) of starred question No. 129 asked by Mr. Satyamurti on the 6th instant.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, whether, in view of the fact that the question of giving equal opportunities for military training in all the provinces has been agitated quite often in this House, Government have considered that matter and come to any conclusion on it?

Mr. C. M. G. Ogilvie: Yes, the answers will be found in full in the information I have imparted in my answer to part (c) of this question.

Mr. T. S. Avinashilingam Chettiar: When was the matter last considered?

Mr. C. M. G. Ogilvie: I could not say when it was last considered, but the policy was laid down and the Honourable Member will find full information in part (c) of the question.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, when this policy was last considered?

Mr. C. M. G. Ogilvie: I could not say when exactly it was finally considered.

Mr. Lalchand Navalrai: May I know, Sir, now that the provinces enjoy autonomy, whether the Provincial Governments have been consulted as to whether they want that all people should be given military training?

Mr. C. M. G. Ogilvie: No, Government have not made any such suggestions.

Mr. T. S. Avinashilingam Chettiar: In view of the various suggestions made in this House on this subject, may I know, Sir, if Government will take this matter in hand and consult the Provincial Governments?

Mr. C. M. G. Ogilvie: Government, as I have repeatedly said, categorically replied to the suggestion made in this House, and a full statement of the policy will be found by the Honourable Member, if he cares to look at it, in the reference which I gave in my answer to Mr. Satyamurti's question on the 6th of this month.

ALLOCATION OF ECCLESIASTICAL EXPENDITURE.

355. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Finance Member state:

- (a) whether Government have considered the recommendation of the Public Accounts Committee that the question of the allocation of Ecclesiastical expenditure be settled as early as possible;
- (b) for how long this question has been pending; and
- (c) whether any steps have been taken in the matter?

The Honourable Sir James Grigg: (a) Yes.

(b) and (c). The question was originally raised in 1928 but later on in 1931 the Public Accounts Committee agreed that in view of the pending constitutional changes it was not worth while to undertake the task of allocation at that juncture. In accordance with the recommendations of a departmental committee to which the question was referred in 1936, a census has been taken of persons entitled to ecclesiastical ministrations. It is hoped to complete the consideration of this question in the near future.

Mr. S. Satyamurti: May I know, Sir, whether the conclusions would be reached in order to provide for the allocation in the next year's Budget?

The Honourable Sir James Grigg: I am unable to answer that question, and the Honourable Member knows, that question is one with which I personally shall have no concern.

Mr. S. Satyamurti: May I know, Sir, what is meant by the phrase "entitled persons"?

The Honourable Sir James Grigg: I think the Honourable Member had better give notice. I understand that certain classes of officers serving in India are entitled to ministrations of clergymen of their own religion.

Mr. S. Satyamurti: Has any census been taken?

The Honourable Sir James Grigg: I understand a census has been taken.

Mr. T. S. Avinashilingam Chettiar: What is the amount of money involved in this matter?

The Honourable Sir James Grigg: I understand that under the Government of India Act or at any rate under some regulation laid down for the purpose, it is limited to 33 lakhs or some figure in that neighbourhood.

Mr. Lalchand Navalrai: May I know, Sir, if the Honourable Member will be pleased to lay on the table a copy of the last census?

The Honourable Sir James Grigg: I can't do that.

Mr. Lalchand Navalrai: Why not?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can't argue.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, whether they are entitled to this under any agreement with the Government of India?

The Honourable Sir James Grigg: They are entitled to it under a certain Statutory protection.

RECOVERY OF MONEY DUE FROM OFFICERS ON PENSION.

356. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Finance Member state:

- (a) whether Government have amended the rules with respect to services under their control in the matter of recovery of money due from officers on pension;
- (b) whether legislation is necessary to give effect to these proposals; and
- (c) whether Government have considered the advisability of pressing upon the Secretary of State to make similar rules with regard to the services under his control?

The Honourable Sir James Grigg: (a) The matter is still under consideration.

(b) No.

(c) I would refer the Honourable Member to my reply to Mr. Satyamurti's question supplementary to No. 819 asked by Mr. Mudaliar on the 7th September, 1938.

Mr. T. S. Avinashilingam Chettiar: I understood last time, Sir, that the Secretary of State had turned down the proposal of the Government of India to make such amendments, but may I know whether the Government of India have considered the matter subsequently?

The Honourable Sir James Grigg: If the Honourable Member will read the answer, he will see that the present state of affairs is clearly set forth.

Mr. S. Satyamurti: Are not the Government of India considering the matter independently of the Secretary of State's action? When do they hope to come to a decision on this matter of making people entitled to pensions from public revenues liable for their misconduct?

The Honourable Sir James Grigg: I cannot tell the Honourable Member I am not qualified to be a prophet.

Mr. S. Satyamurti: I am not asking him to be a prophet, I am asking him to be a just Finance Member in view of the loss to public revenues by pensioners not being held liable. May I know if the Honourable the Finance Member can give any undertaking that this matter will be concluded as early as possible and sufficient safeguards would be provided to protect public revenues and avoid losses?

The Honourable Sir James Grigg: I don't think the loss to public revenues is a very serious matter. It seems to me to be much more a question of justice than loss of public revenue, and I can readily give the Honourable Member the undertaking that the examination will be concluded as soon as possible . . .

Mr. T. S. Avinashilingam Othettiar: Will it be before the Honourable Member leaves this country?

The Honourable Sir James Grigg: I cannot answer even that question.

EUROPEAN AND INDIAN INDIAN CIVIL SERVICE OFFICERS IN THE CENTRAL SECRETARIAT.

357. *Mr. Abdul Qaiyum: Will the Honourable the Home Member please state:

- (a) the number of European and Indian Indian Civil Service Officers in the Central Secretariat on the 1st February 1939; and
- (b) the reasons for the great predominance of non-Indians?

The Honourable Mr. R. M. Maxwell: (a) 34 Europeans and 17 Indians.

(b) It is hardly possible to deal with this matter fully within the scope of an answer to a question, and I would refer the Honourable Member to my speech in the Council of State on the 15th March, 1937, where he will find the question fully explained. The main reason why at present there are more European than Indian I. C. S. officers in the Central Secretariat is that, as the Indian Civil Service cadre stands at the moment, there are more Europeans than Indians of the seniority required to bring them into the field of selection for the higher posts of Secretary and Joint Secretary. The position will normally change as the effect of the 50:50 ratio of recruitment to the Indian Civil Service between Europeans and Indians is felt in the upper ranges of the Indian Civil Service cadre.

Mr. Abdul Qaiyum: May I know

Mr. President (The Honourable Sir Abdur Rahim): Is the Honourable Member speaking from his place?

Mr. Abdul Qaiyum: Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Then the Honourable Member must stick to that place.

Mr. Abdul Qaiyum: Places were allotted only this morning, Sir. May I know, Sir, what was the number of Europeans in the Central Secretariat, I did not catch his answer?

The Honourable Mr. R. M. Maxwell: 34 Europeans and 17 Indians.

Mr. Abdul Qaiyum: May I know, Sir, if, owing to the introduction of Provincial Autonomy, Europeans prefer to be in the Central Secretariat rather than in the provinces?

The Honourable Mr. R. M. Maxwell: I am not so aware.

Mr. S. Satyamurti: May I know, Sir, if the consideration of seniority alone governs the recruitment of Europeans and Indians in the proportion of 34 and 17 for posts in the Central Secretariat or are there any other considerations?

The Honourable Mr. R. M. Maxwell: It is mainly due to the state of the cadre and relative seniority in the field for selection.

Mr. S. Satyamurti: May I know, Sir, if it is not due to a desire of certain Departments of the Government of India to have Europeans only in key positions in preference to Indians?

The Honourable Mr. R. M. Maxwell: There is no conscious desire of any such thing, but as the House is aware, arrangements for recruitment have now been somewhat altered since the new system came into force, and the gradual formation of a pool will ensure that various seniorities are properly represented in the Secretariat on both sides.

Mr. S. Satyamurti: May I know, Sir, if it is a fact that Secretaries and Deputy Secretaries who are once in the Central Secretariat never go back to their provinces thus blocking the promotion of people, especially Indians?

The Honourable Mr. R. M. Maxwell: No, Sir, that is not the case; on the contrary, the tenure of these appointments is now strictly enforced.

Mr. S. Satyamurti: May I know, Sir, if Government are consciously trying to approximate to the 50:50 ratio, and whether they will try to reach that level as soon as possible?

The Honourable Mr. R. M. Maxwell: That ratio, I think, will be reached automatically under the present arrangements.

Mr. S. Satyamurti: In about how much time, will that be reached? In how many number of years will it be reached?

The Honourable Mr. R. M. Maxwell: It is difficult to give an estimate off-hand, but it won't be very long. The process will be quite steady as far as I can see.

Dr. Sir Ziauddin Ahmad: When the Honourable Member said that there is a time limit, may I know. Sir, whether or not it is a fact that extensions are given more often than not.

The Honourable Mr. R. M. Maxwell: No, Sir.

RUPEES OF THE QUEEN VICTORIA'S REIGN.

358. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Finance Member please state whether it is or it is not a fact that in the silver rupee of the Queen Victoria's reign there used to be no dot on the lower-most flower on the reverse side of the coin?

(b) Is it a fact that coins having as many as 12 dots on the lowermost flower on the reverse side of the coin have been current in the market?

(c) Is it or is it not a fact that some person about the end of the last century gave publicity to the statement that he had been responsible for counterfeiting a large number of coins and to distinguish these counterfeits from the real ones he had put a dot on the lowermost flower of the coin for every lakh of the coins he had counterfeited?

(d) If the answer to part (c) be in the affirmative, when was the statement made?

(e) Are the coins that have dots on the lowermost flower on the reverse genuine or counterfeit; and, in the latter case, has their currency been legalised by Government?

The Honourable Sir James Grigg: The dots in question are mint marks and the story referred to in part (c) of the question is a complete canard. The correct facts are as follows. All rupees struck from the year 1862 to 1873 bear the date 1862. In order to distinguish these, the rupees struck in 1863 bore a small dot above the lowest flower on the reverse side of the coins and in each subsequent year an additional dot was added. Coins struck between 1863 and 1873 may, therefore, bear from one to eleven dots. Certain subsequent issues of Queen Victoria rupees which were struck at the Bombay mint also bear a dot as a mint mark to distinguish them from coins struck in Calcutta.

Mr. Lalchand Navalrai: In view of the fact that there is no penalty attached for persons refusing to take current coins, will the Honourable Member take steps to see that some orders or some legislation are passed so that people may not be harassed?

The Honourable Sir James Grigg: That does not arise out of this question.

STARTING OF AN ORDNANCE FACTORY AT JUBBULPORE.

359. *Mr. Govind V. Deshmukh: Will the Defence Secretary be pleased to state :

- (a) whether a number of villages were acquired to start an Ordnance Factory at Jubbulpore by the Central Provinces and Berar Provincial Government;
- (b) whether the project of starting this Ordnance Factory has been given up; if so, why; and
- (c) what the Provincial Government propose to do, or have been advised to do, with the lands so acquired?

Mr. C. M. G. Ogilvie: (a) No.

(b) The project is still under consideration.

(c) Does not arise.

Mr. K. Santhanam: With reference to the answer to part (a) of the question, may I know whether any factory to manufacture any kind of ammunition has been started here?

Mr. C. M. G. Ogilvie: I have given an answer that a project is under consideration.

TYPISTS AND STENOGRAPHERS IN THE DEFENCE DEPARTMENT.

360. *Mr. K. Santhanam: Will the Secretary for Defence please state :

- (a) how many typists and stenographers are employed at his office;
- (b) how many of them are Anglo-Indians; and
- (c) how many of them are ladies?

Mr. C. M. G. Ogilvie: (a) Five typists and five stenographers.

(b) and (c). One typist and three stenographers of whom one typist and two stenographers are ladies.

PROPOSAL FOR REDUCTION OF BRITISH BATTALIONS IN INDIA.

361. *Mr. Manu Subedar: (a) Will the Defence Secretary please state whether Government have seen the report of an answer to a question in the British Parliament reported in the Indian papers on the 21st of December, 1938, as follows :

“Major-General Sir Alfred Knox (Con.) questioned Mr. Hore-Belisha, Secretary of State for War, regarding British battalions in India, and asked whether the establishment had been greatly reduced lately, Mr. Belisha said: ‘I do not think it has been, but probably it will be.’ ”?

(b) What is the proposal for the establishment of British battalions being “greatly reduced”?

(c) When was this proposal made?

(d) From which date does it take effect?

(e) What are the details of this proposal?

Mr. C. M. G. Ogilvie: (a) Yes.

(b), (c), (d) and (e). The War and Peace establishments of a British battalion in the United Kingdom have recently been reduced. This may involve a reduction in the establishments of British battalions in India but as the question is now being examined I am unable to make any definite statement at present.

Mr. Manu Subedar: Does it involve merely the reduction of the battalions located in India, or does it involve the taking over of the financial responsibility for them?

Mr. C. M. G. Ogilvie: I presume from the question that the Honourable Member was referring to the speech of the Secretary of State for War and asking questions as to what that statement meant. I have told him clearly.

Mr. Manu Subedar: My question was whether it involved a physical reduction or whether it meant merely taking over the responsibility for the expense?

Mr. C. M. G. Ogilvie: My Honourable friend's question states: "What is the proposal (made by Mr. Hore-Belisha) for the establishment of British battalions being 'greatly reduced'." I have told him.

TROOPS SENT TO SINGAPORE FROM INDIA.

362. *Mr. Manu Subedar: (a) Will the Defence Secretary please state whether any troops have been sent to Singapore from India since the 1st of January, 1937?

(b) If so, what are they?

(c) What is the arrangement regarding the cost of such troops sent out?

(d) What is the saving, if any, to the Indian exchequer expected to be made during 1938-39?

Mr. C. M. G. Ogilvie: (a) No.

(b), (c) and (d). Do not arise.

Mr. K. Santhanam: With reference to the answer to part (a) of the question, may I know whether the Government of India are under any obligation to defend Singapore?

Mr. C. M. G. Ogilvie: That, I submit, does not arise out of this question.

TREASURY BILLS.

363. *Mr. Manu Subedar: (a) Will the Honourable the Finance Member please state whether it is a fact that Government were unable to renew the full amount of maturities of Treasury Bills during the month of December 1938?

(b) What was the lowest borrowing rate during the calendar year 1938 and what was the highest borrowing rate on Treasury Bills?

(c) Has the amount of floating debt of Government been reduced during the current year?

(d) Have Government considered the desirability of reducing the amount of the floating debt?

(e) How does the rate on Treasury Bills paid by Government of India compare with similar rate paid by the Government of the United Kingdom?

(f) Is it a fact that the Exchange Banks have been reluctant to bring over funds to India on account of their apprehension with regard to the depreciation of the rupee?

(g) If the answer to part (f) be in the affirmative, have Government any information as to the relative amount brought over this year in comparison with the amount brought last year?

The Honourable Sir James Grigg: (a) No. The bills were renewed to the extent considered necessary by Government.

(b) The highest rate was Rs. 2-8-10 per cent. per annum and the lowest rate Rs. 0-9-8.

(c) No.

(d) Government do not consider that the amount of floating debt is large.

(e) The rate in India is higher.

(f) and (g). Government have no information. In any case there can be no grounds for any such apprehension.

Mr. Manu Subedar: Is it a fact that the Provincial Governments are also coming into the market now with treasury bills, and have Government considered the desirability of reducing their own floating debt in order that the borrowing rates may not unduly rise?

The Honourable Sir James Grigg: There is plenty of room for both at present.

TENDERS FOR THE R. I. N. PROJECT AT MANORA, KARACHI.

364. *Mr. Manu Subedar: Will the Defence Secretary please state:

(a) when the tenders for the R. I. N. Project at Manora, Karachi, were called;

(b) who the lowest tenderer was and to whom the contract was given;

(c) whether after the tender was accepted, any changes in the conditions of work or any specifications were made; and

(d) whether the financial arrangements with the contractor and the amount to be paid to him were modified in any respect on account of the changes in designs and specifications?

Mr. O. M. G. Ogilvie: (a) to (d). I am collecting the information and will lay it on the table in due course.

INDIA'S STERLING INTEREST PAYING LIABILITIES.

365. *Mr. Manu Subedar: (a) Will the Honourable the Finance Member please state whether according to the London Stock Exchange Official Year-book, the total of India's sterling interest paying liabilities as on 31st March 1930 were £365,690,000 and on 31st March 1937 they are given as £358,800,000—a reduction of only about £7,000,000? Will Government state whether these figures are correct?

(b) In view of the statement of the Government of India that the volume of sterling debt repatriated to this country since the establishment of the Reserve Bank was Rs. 60 crores, will Government state the manner in which this information was compiled and the details of the figures totalling up to Rs. 60 crores?

(c) Is it the total volume of holding by non-resident holders in the United Kingdom, and is the information secured by Government from the Income-tax Department?

The Honourable Sir James Grigg: (a) The figures for the period 1930 to 1937 are approximately correct, that is, up to the 31st March, 1937.

(b) The repatriation of Rs. 60 crores of sterling debt has taken place from the date of the institution of the Reserve Bank, that is to say the 1st April, 1935, up till the end of November, 1938. A statement giving the details is laid on the table. The explanation of the apparent discrepancy is, that for the period from 1930 to 1935 there was an increase of about £19 millions in our sterling debt followed by a repatriation of £27 millions during 1935-36 and 1936-37 and a further reduction in our sterling debt of £18 millions since 1st April, 1937.

(c) The reduction is an actual reduction in the total amount of our sterling debt and no question of the domicile of holders arises.

	(In millions of £). (Up to the end of November).				
	1935-36.	1936-37.	1937-38.	1938-39.	Total.
Railway annuities . . .	1.83	1.90	1.96	1.47	7.16
Railway Sinking Funds . .	.17	.17	.18	.18	.70
Railway Debentures . . .	3.50	.88	1.47	3.06	8.91
Sterling loans	1.95	16.86	2.99	..	21.80
Transfer of funds to Family Pension Fund Commissioners	..	..	3.76	2.84	6.60
	7.45	19.81	10.36	7.55	45.17 or 60.23
					crores of rupees.

Mr. Manu Subedar: I was anxious to know from the Honourable Member whether the reduction had anything to do with sterling assets of the Reserve Bank during that period?

The Honourable Sir James Grigg: How on earth can he make that inference?

BAN ON THE RETURN OF RAJA MAHENDRA PRATAP AND OTHER POLITICAL EXILES TO INDIA.

366. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Honourable the Home Member be pleased to state:

- (a) whether the United Provinces Government have forwarded representations, with strong recommendations, on behalf of Raja Mahendra Pratap and other political exiles, for their return to India;
- (b) whether Government have considered the representations and recommendations; and
- (c) whether Government have decided to permit the United Provinces exiles to come to India from the foreign countries; if so, under what conditions; and if not, why not?

The Honourable Mr. R. M. Maxwell: With your permission, Sir, I will answer questions Nos. 366 and 372 together.

(a), (b) and (c). I would invite the Honourable Members' attention to the reply given by me on the 6th February, 1939, to Mr. Thirumala Rao's starred question No. 138 to which I have nothing to add.

Mr. Badri Dutt Pande: May I know when a decision about Raja Mahendra Pratap is likely to be arrived at?

The Honourable Mr. R. M. Maxwell: In the fairly near future.

Mr. Badri Dutt Pande: The other day the Honourable Member said in reply to my question, that they were under confidential correspondence with the U. P. Government. May I know if any reply has been sent to the U. P. Government?

The Honourable Mr. R. M. Maxwell: I did not say that correspondence was going on. I think I said probably that there had been correspondence.

Mr. S. Satyamurti: May I know whether there are any other exiles, and, if so, how many, besides Raja Mahendra Pratap, from the U. P. who are now residing outside India?

The Honourable Mr. R. M. Maxwell: As I was about to reply to the next question on the order paper, I do not admit that there are any persons who can be called exiles.

Mr. S. Satyamurti: In view of the fact that law and order are now the functions of the Provincial Governments, and the U. P. Government have strongly recommended the removal of the ban on the entry into India of Raja Mahendra Pratap, may I know what are the public considerations on which the Government of India are hesitating to accept the recommendation of the Provincial Government concerned?

The Honourable Mr. R. M. Maxwell: In cases like this it is generally not one province only that is concerned; more than one province are concerned.

Mr. S. Satyamurti: May I know if any other province or provinces have made any representation to the Government of India protesting against or not wanting the removal of the ban on Raja Mahendra Pratap's entry into this country?

The Honourable Mr. R. M. Maxwell: I think, as far as I remember, we have not corresponded with other provinces about it: we may have, but I cannot recollect. But, of course, we have our own information as to the past range of his activities.

Mr. Badri Dutt Pande: If Raja Mahendra Pratap flies in an aeroplane and lands in the U. P., what will the Central Government do?

Mr. President (The Honourable Sir Abdur Rahim): That is a hypothetical question.

The Honourable Mr. R. M. Maxwell: They will ask him for his passport.

Mr. S. Satyamurti: In view of the fact that Government have not been in consultation with other Provincial Governments, may I know whether the Government of India are considering only the recommendation of the U. P. Government, or they propose to consult other Provincial Governments with regard to the removal or non-removal of this ban, and, if so, why?

The Honourable Mr. R. M. Maxwell: On whom?

Mr. S. Satyamurti: On Raja Mahendra Pratap.

The Honourable Mr. R. M. Maxwell: It may be necessary to consult other Provincial Governments, but, as I say, I have not yet given full consideration to the case.

Sardar Mangal Singh: May I know whether the Punjab Government has sent any such representation to the Government of India asking for the return of exiles?

The Honourable Mr. R. M. Maxwell: No, not within my recollection.

Mr. President (The Honourable Sir Abdur Rahim): Next question.

BAN ON THE RETURN OF POLITICAL EXILES TO INDIA.

367. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Honourable the Home Member please state:

- (a) the number of Indian political exiles abroad;
- (b) their names and whereabouts;
- (c) whether Government have received any direct representations from them for permitting them to come to their country;
- (d) whether Government consulted the Provincial Governments concerned on the matter in each case, during the last two years;

- (e) how many cases were decided in favour or against the exile petitioners;
- (f) whether Government have intelligence of their activities in the countries where they are at present; and
- (g) whether Government informed the Provincial Governments with regard to their life and activities abroad, while refusing or agreeing to a suggestion for their release by the Provincial Governments?

The Honourable Mr. R. M. Maxwell: (a) and (b). As I have explained before, there are no Indian political exiles. If the Honourable Member refers to persons who have voluntarily left India on account of their political activities Government have no complete list of such persons.

(c) to (g). In view of the reply to parts (a) and (b) the information cannot be given unless the Honourable Member will specify the individuals regarding whom he desires it.

Mr. S. Satyamurti: May I know whether the Government of India have any information with regard to persons against whose entry into this country there are bans now, passed by the Government of India?

The Honourable Mr. R. M. Maxwell: I do not know exactly what the Honourable Member means by a ban. There is no formal power in the Government of India to pass a ban on any person.

Mr. S. Satyamurti: Are there any cases in which the Government of India have represented to His Majesty's Government or other Governments for the refusal of passports to persons who desire to return to India?

The Honourable Mr. R. M. Maxwell: There have been such occasions in the past. Recently two persons against whom such disabilities existed have been permitted to return.

Mr. Abdul Qaiyum: May I know if the Provincial Government of the North-West Frontier Province have made representations about the return of Qazi Abdul Wali Khan and what is the attitude taken by Government about this exile who has been away from India for a number of years?

The Honourable Mr. R. M. Maxwell: Not so far as I am aware. If the Honourable gentleman will put down a question, I will try to find out.

Mr. Badri Dutt Pande: Is it a fact that the money sent to these exiles is liable to be confiscated in the Bombay post office?

The Honourable Mr. R. M. Maxwell: No, Sir.

Mr. Abdul Qaiyum: I have already put a series of questions about Abdul Wali Khan, and I am still waiting for an answer.

The Honourable Mr. R. M. Maxwell: So far as I recollect, no such question has been addressed to me. If the Honourable Member will put down a question I will endeavour to give him an answer.

Mr. Abdul Qaiyum: Surely Government must have a list of persons who are under ban?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot enter into argument.

Mr. Abdul Qaiyum: Is there any ban against this particular individual?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already been asked to put down a question.

Mr. S. Satyamurti: With reference to part (g), may I know whether Government have any policy in this matter? In view of provincial autonomy, may I know whether in future they will accept the recommendations of Provincial Governments, or do they propose to decide each case on its own merits, even in cases where the Provincial Governments concerned recommend the removal of any ban?

The Honourable Mr. R. M. Maxwell: Naturally in considering each case, the Government of India attach very great weight to the opinions of Provincial Governments.

Mr. S. Satyamurti: Do they consult other Provincial Governments also and if so, why?

The Honourable Mr. R. M. Maxwell: Certainly we consult other Provincial Governments. Many of these persons who have exiled themselves have previously operated in more than one province.

Sardar Mangal Singh: Is there any ban on the entry of Sardar Ajit Singh?

The Honourable Mr. R. M. Maxwell: Sardar Ajit Singh is a Brazilian subject, and if he applies for a passport, it will be considered in accordance with the usual practice.

Sardar Mangal Singh: May I know whether there is a prosecution pending against him in this country?

The Honourable Mr. R. M. Maxwell: He fled to Persia in 1911 in order to escape prosecution.

Sardar Mangal Singh: May I know whether that prosecution is still pending or it has lapsed?

The Honourable Mr. R. M. Maxwell: That will be for the Government concerned to consider.

QUESTIONNAIRE ISSUED BY THE ALL-INDIA NATIONAL PLANNING COMMITTEE.

368. *Mr. S. Satyamurti: Will the Defence Secretary be pleased to state:

- (a) whether his attention has been drawn to the questionnaire of the All-India National Planning Committee set up by the Congress, which proposes, *inter alia*, to examine the possibility of the development of industries relating to national defence, including provision of munitions, armaments, or guns for the use of the various defence services;

- (b) whether Government will lay on the table of the House a statement containing the latest information available in respect of this matter; and
- (c) whether Government propose to co-operate with the Committee in this behalf?

Mr. C. M. G. Ogilvie: (a), (b) and (c). Government have seen a copy of the questionnaire but do not propose to take any action on it.

Mr. S. Satyamurti: In view of the fact that a powerful organisation has organised this All-India National Planning Committee which will *inter alia* examine this question, in which the Defence Department is interested, relating to national defence, including provision of munitions, armaments or guns, may I know the reasons why the Defence Department propose to take no action?

Mr. C. M. G. Ogilvie: There is nothing before Government upon which any action under any circumstances could now be taken.

Mr. S. Satyamurti: May I know why Government refuse to co-operate?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is asking for a discussion

Mr. S. Satyamurti: I want to know whether it is mere non-co-operation, or they have decided against it on the merits?

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think that the Honourable Member need refer to non-co-operation?

Mr. S. Satyamurti: We have all been non-co-operators. There is no reflection at all. I am paying him a compliment.

Mr. President (The Honourable Sir Abdur Rahim): (Addressing Mr. Chettiar) The Honourable Member is not in the seat allotted to him by his Party. The Honourable Member knows that he cannot address the Chair except from his seat.

RECEIPTS UNDER CUSTOMS REVENUE AND INCOME-TAX.

369. ***Mr. S. Satyamurti:** Will the Honourable the Finance Member be pleased to state:

- (a) the latest figures of receipts under customs revenue and income-tax received by the Government of India;
- (b) what is the fall in these receipts during this period compared with the previous year's revenue;
- (c) what the estimate of the proposed deficit is in the next year's budget; and
- (d) whether, apart from any taxation proposals, Government have any proposal for producing a balanced budget?

The Honourable Sir James Grigg: (a) to (d). I can only refer the Honourable Member to my reply to his question No. 1266, on the 15th November, 1948.

Mr. S. Satyamurti: May I know whether there have been no figures since the last answer?

The Honourable Sir James Grigg: In so far as those figures are published, I assume that the Honourable Member has made himself acquainted with them.

Mr. S. Satyamurti: With regard to clause (c) of the question, I am not asking my Honourable friend to disclose the final figures which he will present in his budget statement in the course of a fortnight. I am asking on the figures available,—what is the deficit so far under these two heads of revenues?

The Honourable Sir James Grigg: The Honourable Member is extremely ingenious. He is really seeking to anticipate the budget statement in a very important particular.

Mr. S. Satyamurti: What are the figures now available?

The Honourable Sir James Grigg: I assume that the Honourable Member has familiarised himself with the published figures.

UNVEILING OF THE MUTINY MEMORIAL NEAR DELHI.

370. *Mr. S. Satyamurti: Will the Defence Secretary be pleased to state:

- (a) whether Government have considered the recent adjournment motion carried by this House *nem con* over the unveiling of the "Mutiny" memorial near Delhi;
- (b) whether Government have accepted the resolution and propose to obliterate the offensive words in the memorial; and
- (c) whether Government are prepared to take further action and see that all these "mutiny" memorials are obliterated as early as possible, and, if not, why not?

Mr. C. M. G. Ogilvie: (a) Yes.

(b) No.

(c) No, Sir. Government are not prepared to falsify history.

Mr. S. Satyamurti: With reference to clauses (b) and (c) of the question, may I know whether Government have considered the verdict of this House, and may I know the reasons why they have come to the conclusion that they will be falsifying history if the offensive word 'mutiny' is removed, to which the House objected?

Mr. C. M. G. Ogilvie: I would refer the Honourable Member to the speech made by me on the occasion of the adjournment motion.

Mr. S. Satyamurti: That was made before the adjournment motion was passed. I am asking what has happened after the passing of the adjournment motion.

Mr. C. M. G. Ogilvie: Government are still of the opinion I indicated in my speech.

Mr. S. Satyamurti: Do they not realise that, in the interests of honourable understanding between them and this House, it is worth their while to accept the verdict of the House on a matter of this kind?

Mr. C. M. G. Ogilvie: No, Sir. Government have decided in this case that it is not worth while to accept the verdict of the House.

Mr. Sham Lal: May I ask to whom the site of the memorial belongs?

Mr. C. M. G. Ogilvie: The site of the memorial has been made over by the village to the Government of India.

Mr. Sham Lal: Has any compensation been made to the proprietors of the village.

Mr. C. M. G. Ogilvie: No.

Mr. Abdul Qaiyum: Who gave that verdict of history on which the writing on the memorial is based. What is that history. There are histories and histories.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has answered it.

Mr. S. Satyamurti: What is that "history" which he does not want to falsify?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member knows that.

Mr. S. Satyamurti: I am asking—what is the "history" to which they refer? Do they refer to Edward Thompson's "The other side of the medal"?

Mr. C. M. G. Ogilvie: The history to which they refer was that there was a mutiny—a mutiny of the old Bengal Army.

Mr. President (The Honourable Sir Abdur Rahim): Next question.

CUT ON THE SALARIES OF GOVERNMENT SERVANTS.

371. *Mr. S. Satyamurti: Will the Honourable the Finance Member be pleased to state:

(a) whether there has been or there is any proposal for a cut in the salaries of Government servants;

(b) what was the total saving of the Government of India on the last occasion when there was a ten per cent. cut in salaries; and

(c) whether Government have given up this means of retrenchment altogether for the present, and, if so, why?

The Honourable Sir James Grigg: (a) and (c). I would refer the Honourable Member to the reply that I gave on the 9th February, 1939, to Sardar Mangal Singh's starred questions Nos. 241 and 257.

(b) The savings were estimated to amount, for the Central Government civil services, including the Posts and Telegraphs Department but excluding the Railways, to Rs. 122 lakhs and for the Army to Rs. 114 lakhs.

Mr. S. Satyamurti: May I know whether the decision of the Railway Board not to impose a cut in salaries, as revealed by the Railway Budget presented yesterday, means that there will be no cut in salaries in any other Department?

The Honourable Sir James Grigg: I would ask the Honourable Member either to draw his own conclusions or to await the Budget statement

Mr. S. Satyamurti: May I know what are the reasons for which Government refuse to accept the recommendation of the House which was carried *nem con* recommending a salary cut of ten per cent. on salaries above the minimum of Rs. 200?

The Honourable Sir James Grigg: I think that subject is one for debate rather than for being dealt with by question and answer.

Mr. S. Satyamurti: Sir, the Railway Budget was presented yesterday, and the Budget does not disclose any cut on salaries. May I know why Government have turned down the recommendation of this House and did not impose a cut in salaries?

The Honourable Sir James Grigg: I think the Honourable Member had better wait and see the general picture of the finances of the Government of India.

Mr. K. Santhanam: May I know what would be the saving in the Railway Budget if the cut were imposed?

The Honourable Sir James Grigg: I cannot give that, but to the best of my recollection the saving which was made during the previous cut, which was one of ten per cent. in the case of the higher salaries and graded in its lower reaches, was of the order of something under two crores.

BAN ON THE RETURN OF POLITICAL EXILES TO INDIA.

†372. ***Mr. S. Satyamurti:** Will the Honourable the Home Member be pleased to state:

(a) whether his attention has been drawn to the answer of the premier of the Government of the United Provinces in the United Provinces Assembly that he had made all representations on behalf of political exiles from India with strong recommendations for their acceptance;

- (b) whether the Central Government had not acceded to any of these representations; and
- (c) if so, for what reasons?

BAN ON THE RETURN OF RAJA MAHENDRA PRATAP TO INDIA.

373. *Mr. Mohan Lal Saksena: (a) Will the Honourable the Home Member be pleased to state if Government have received any recommendation from the United Provinces Government to withdraw the ban from Raja Mahendra Pratap Singh and to permit him to return to India? If so, have they come to any decision in the matter?

(b) Are Government aware that Raja Mahendra Pratap Singh is in great financial trouble these days?

The Honourable Mr. R. M. Maxwell: (a) I would refer the Honourable Member to the reply which I have just given to Seth Govind Das and Mr. Satyamurti's starred questions Nos. 366 and 372.

(b) Government have no reliable information.

PROSCRIPTION OF BOOKS AND PUBLICATIONS.

374. *Mr. Mohan Lal Saksena: (a) Will the Honourable the Home Member be pleased to state the names of the books and publications which have been proscribed, or whose entry has been banned into India under the Sea Customs Act?

(b) Have Government received any representation from the Local Governments regarding any of the banned books, particularly the book written by Srijiut Subhashi Bose, the Congress President?

(c) Are Government prepared to consider the feasibility of removing the ban on Mr. Bose's book?

The Honourable Mr. R. M. Maxwell: (a) All notifications issued under the Sea Customs Act are published in the Gazette of India and Government do not consider it necessary to give a list of such books or publications.

(b) A communication was received from the Government of the United Provinces regarding Mr. Bose's book; no representation has been received from any other Provincial Government.

(c) Government have decided to cancel the notification in respect of Mr. Bose's book.

Mr. T. S. Avinashilingam Chettiar: This comes into effect from when?

(No answer.)

Shrimati K. Radha Bai Subbarayan: Have Government considered the advisability of revising this list in view of the fact that it now contains books which will be useful as text-books for students of economics, history and politics?

The Honourable Mr. R. M. Maxwell: I did not say that there was any definite list; I said that a series of notifications was published.

Mr. S. Satyamurti: With reference to the answer to clause (a) of the question, may I know whether these notifications are re-examined from time to time, with a view to seeing whether the continuance of the ban on these books and publications is justifiable, and if so, how often and by whom?

The Honourable Mr. R. M. Maxwell: If any case comes particularly to notice, of course the reasons are re-examined, as they were in the case of the book referred to in the question.

Mr. S. Satyamurti: *Suo motu* do the Government of India have any machinery by which they examine periodically the books and publications that are proscribed, and decide whether to continue the ban or not?

The Honourable Mr. R. M. Maxwell: There is no such regular periodical revision.

Mr. S. Satyamurti: So that a book once banned is always banned?

The Honourable Mr. R. M. Maxwell: Yes, because its contents remain the same.

Mr. S. Satyamurti: Do not Government see the need for revision of these books, in view of the rapid development of thought in these days in the political and economic fields, and the fact that doctrines once held as heterogeneous become very orthodox in several countries?

The Honourable Mr. R. M. Maxwell: That is a matter of opinion.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that a book once banned continues to be banned, will Government consider the desirability of revising their orders over these matters?

The Honourable Mr. R. M. Maxwell: Government have not so far found any necessity to do so, except in individual cases particularly brought to their notice.

Mr. Mohan Lal Saksena: Am I to take it that Government do not maintain any list of banned books?

The Honourable Mr. R. M. Maxwell: They can be found by a search of the various notifications.

EMPLOYMENT OF FOREIGNERS IN SERVICES OF THE GOVERNMENT OF INDIA.

375. *Mr. Govind V. Deshmukh (on behalf of Mr. M. S. Aney): Will the Honourable the Home Member be pleased to say:

- (a) whether his attention is drawn to the following reply given by the Right Honourable Sir Samuel Hoare in the British House of Commons to a question put by Lieutenant Commander Fletcher on the 15th December, 1938 :

“He (the Right Honourable Sir Samuel Hoare) could, however, give an assurance that permission would not be given for importation by any firm in Britain of any foreigner to fill a post which would be filled by a person resident in Britain and possessing the necessary qualifications”; and

- (b) whether the Government of India propose to make a similar announcement of their policy in the matter of the employment of foreigners, including residents of the United Kingdom, Ireland and the Dominions and the Crown Colonies in the British Empire, in the civil, military and technical services of the Government of India; if so, when, and if not, why not?

The Honourable Mr. R. M. Maxwell: (a) I have seen a newspaper report.

(b) British subject are not foreigners under the law, and any such declaration in respect of service under the Crown in India would, in any case, as far as British subjects domiciled in the United Kingdom are concerned, be barred by section 111 of the Government of India Act, 1935. The extent of the employment under the Crown of British subjects domiciled elsewhere, outside India, is so small that the matter is of hardly more than academic interest, and Government do not consider it necessary to take any action. The employment of foreigners under the Crown is governed by section 262 of the Government of India Act which permits only temporary employment.

MILITARY TRAINING IN SCHOOLS AND COLLEGES STARTED BY PROVINCIAL GOVERNMENTS.

376. *Sardar Mangal Singh: Will the Defence Secretary please state :

- (a) whether he is aware that Provincial Governments have started military training in schools and colleges; and
- (b) whether the Defence Department is co-operating with them, and in what form the army authorities have rendered assistance to this movement?

Mr. C. M. G. Ogilvie: (a) No.

(b) Does not arise.

LOANS ADVANCED TO INDIAN STATES.

377. *Sardar Mangal Singh: Will the Honourable the Finance Member please state :

- (a) whether any loan has been advanced to any State during the current financial year, and, if so, to which State;
- (b) whether Government have satisfied themselves that the loan will be used for productive purposes only; and
- (c) how far the loans to the Bahawalpur and Patiala States have been liquidated?

The Honourable Sir James Grigg: (a) and (b). The only advance made during the current year to an Indian State was a sum of Rs. 5 lakhs to the Bundi State in silver rupees and small coin to enable them to convert the State currency into British Indian currency. The advance is repayable within six months.

(c) The Bahawalpur State have been repaying the annual instalments regularly and have in fact made advance repayments also. No loan is outstanding against the Patiala State.

INDIAN TROOPS SERVING ABROAD.

378. *Sardar Mangal Singh: Will the Defence Secretary please state :

- (a) the number of Indian troops serving abroad and the places where they are stationed; and
- (b) what is the saving to the Defence Department as a result of the Indian troops being stationed abroad?

Mr. C. M. G. Ogilvie: (a) Hong Kong 1,592.
 Taiping 777.
 Burma 799.

(b) Rs. 17½ lakhs per annum.

Mr. S. Satyamurti: May I know what are the purposes for which the Indian troops are now stationed in Hong Kong?

Mr. C. M. G. Ogilvie: I submit that does not arise from this question.

Mr. S. Satyamurti: May I know how long they have been stationed?

Mr. C. M. G. Ogilvie: I suggest that the Honourable Member might put down a question.

Mr. S. Satyamurti: May I know whether they are staying there for Indian defence purposes or Imperial defence purposes?

Mr. C. M. G. Ogilvie: Again I must request the Honourable Member to put down a question. Clearly it does not arise from this one.

Mr. K. Santhanam: May I know whether any non-effective charges are recovered for these troops serving abroad?

Mr. C. M. G. Ogilvie: Yes.

379. *Mr. Abdul Qaiyum: I am not putting this question. Sir.

EMPLOYMENT OF SERVANTS FOR BRITISH TROOPS THROUGH CONTRACTORS.

380. *Mr. Mohan Lal Saksena: (a) Will the Defence Secretary be pleased to state whether it is a fact that for British troops servants like boot-boys, runners, washermen, tailors, mochiees and barbers are employed through a contractor by the Officer Commanding of the troops?

(b) Is it a fact that, on account of employment through the contractor, all these servants have to pay monthly profits to the Army contractor of the British Regiment?

(c) Is it also a fact that out of the profits thus collected by the Army contractor, he has to pay a certain amount to the regimental fund?

(d) Is it a fact that the Army contractors carry all these servants from one cantonment to another on the transfer of the Regiment and do not employ local men?

(e) Is it a fact that recently the Army Servants Association of Lucknow, Cantonment sent a representation to the Quartermaster General in India complaining against this practice and demanding employment of local people residing in Lucknow Cantonment?

(f) What reply, if any, was given to this Association on their representation?

(g) What steps do Government propose to take in the matter?

Mr. C. M. G. Ogilvie: (a) With the exception of boot-boys and runners about which Government have no information, the answer is in the affirmative.

(b) Government have no information.

(c) A rebate is paid by a contractor at a rate settled between the Commanding Officer of a unit and the contractor.

(d) This is usually the practice but contractors do employ local men on occasions.

(e) Yes.

(f) The association was informed that Officers Commanding British units are at liberty to engage contractors and/or others with a view to ensuring that the best arrangements possible are made in the interests of the troops under their command and that employment of individuals within a station is entirely a matter for their discretion.

(g) Institute contractors at Lucknow are being instructed to fill vacancies by employing local men as far as possible, provided they are willing to proceed on active service if necessary.

POWERS OF COMMAND OF BRITISH WARRANT OFFICERS, ETC., *vis-a-vis* INDIAN WARRANT OFFICERS, ETC.

381. *Mr. M. Asaf Ali: Will the Defence Secretary please state:

(a) whether certain orders were passed last year, according to which the powers of command of British Warrant Officers and Non-Commissioned Officers *vis-a-vis* Viceroy's Commissioned Officers and Indian Warrant Officers have been so defined that the latter have been placed under the command of junior British ranks; and

(b) whether he will place that order on the table of the House and state its actual effect?

Mr. C. M. G. Ogilvie: (a) and (b). I refer the Honourable Member to India Army Order No. 649, dated the 13th July, 1938, a copy of which is in the Library, and also to my reply to starred question No. 915 asked by Mr. Satyamurti on the 12th September, 1938.

Mr. M. Asaf Ali: May I know whether Government are aware of the fact that this discrimination is causing a great deal of heart-burning among Indian officers holding these ranks?

Mr. C. M. G. Ogilvie: No, Sir. Government are not aware that there is any such heart-burning and, in fact, does not see how there can be in the circumstances.

Mr. M. Asaf Ali: I am not quite certain of the circumstances because it is quite obvious that junior British officers have been invested with powers of command over senior Indian officers.

Mr. C. M. G. Ogilvie: The facts are not that one is senior and another is junior. It is a question of qualifications only in certain technical departments. That is to say, where no British officers with the requisite qualifications are available and where no Viceroy's commissioned officers have the necessary qualifications, it is necessary in certain technical units to use British warrant officers. That is all.

Mr. M. Asaf Ali: I was referring more or less to cases of British warrant officers and the N. C. O.'s of the same rank. The British warrant officers seem to have powers of command over officers holding the same rank.

Mr. C. M. G. Ogilvie: It is only in order that they may be able to impart necessary technical instructions to persons who have not got the technical knowledge.

ASSISTANCE TO INDIANS FOR TRAINING AS PILOTS IN GREAT BRITAIN.

382. *Mr. K. Santhanam: Will the Defence Secretary please state :

- (a) whether his attention has been drawn to the statement of the Right Honourable Sir Kingsley Wood, the Air Minister of Great Britain, in the House of Commons regarding 'the assistance received in the personnel from the Dominions' for the British Air Force;
- (b) whether it is a fact, as he stated, that hundreds of young men from the Dominions had gone to Britain to be trained as pilots;
- (c) whether any similar assistance was asked for from India;
- (d) whether it is open to Indian young men to join the Royal Air Force on the same terms as the young men from the Dominions; and
- (e) if the answer to part (d) above be in the negative, what is the discrimination based on?

Mr. C. M. G. Ogilvie: (a) Yes.

(b) Government have no information beyond that contained in the Air Minister's speech.

(c) No.

(d) No.

(e) Recruitment to the Royal Air Force is limited to persons of pure European descent.

Mr. K. Santhanam: May I know whether there is any similar restriction placed on people coming to India to serve in the Air Force?

Mr. C. M. G. Ogilvie: The recruitment to the Indian Air Force is restricted to persons of Indian descent.

Mr. K. Santhanam: May I ask if any Royal Air Force squadrons are stationed in India?

Mr. C. M. G. Ogilvie: Yes.

Mr. K. Santhanam: Why, then, the Government of India permit this discrimination?

Mr. C. M. G. Ogilvie: There is no difference between the Royal Air Force and the British army. They are both British services and the same restrictions as regards the recruitment apply to both of them.

Mr. K. Santhanam: Why, then, India is considered to form part of the British Empire?

Mr. President (The Honourable Sir Abdur Rahim): Such questions cannot be allowed.

Mr. M. Ghasuddin: In view of the fact that certain Dominions debar the entry of Indians into their boundaries, will the Government of India consider that the Royal Air Force personnel belonging to those Dominions should not be allowed to come to India?

Mr. C. M. G. Ogilvie: I have no knowledge of the allegation made by the Honourable Member.

Mr. S. Satyamurti: May I ask why the Government of India permit the employment or the stationing of the Royal Air Force in India which makes entry to it purely confined to men of European descent, and whether they will not develop their own force by confining its recruitment to Indians?

Mr. C. M. G. Ogilvie: The Indian Air Force has already made a promising beginning and is purely confined to Indians.

Mr. S. Satyamurti: I am asking why the Government of India permit the Royal Air Force which discriminates against Indians to be stationed or to be used in this country.

Mr. C. M. G. Ogilvie: It obviously must be.

Mr. S. Satyamurti: What is this "must be" about it? Can we not defend ourselves without the help of this Royal Air Force?

Mr. C. M. G. Ogilvie: Certainly not.

Mr. Sri Prakasa: May I know in what manner is the purity of blood examined by Government and for how many generations do they do so?

Mr. C. M. G. Ogilvie: I shall require notice of that.

CONTRACTS FOR THE CARRIAGE OF MILITARY AND MARINE PASSENGERS BETWEEN CERTAIN PORTS.

383. *Mr. K. Santhanam: (a) Will the Defence Secretary be pleased to state whether Government have a contract for the carriage of military and marine passengers:

(i) between the ports of India, Burma and Ceylon, and

(ii) between Indian ports and other foreign ports, with shipping companies?

(b) If the answer to the above be in the affirmative, will Government be pleased to state :

- (i) the names of all the shipping companies with which they have entered into such contract; and
- (ii) the amount of fares paid to each of the shipping companies for the carriage of such passengers during the last five years, giving separately the amounts paid as well as the total number of passengers carried (1) between India, Burma and Ceylon, and (2) between Indian ports and other foreign ports?

(c) Will Government be pleased to lay on the table a copy of the contract or contracts made with them?

(d) Will Government be pleased to state when these contracts would expire?

(e) Will Government be pleased to state :

- (i) whether they have recently invited any tenders for the carriage of such passengers and if so, whether any opportunity was given to Indian shipping companies to tender for the same, or
- (ii) whether negotiations for the renewal of such contracts are now pending with the existing shipping companies, or
- (iii) whether it is their intention to renew the existing contracts without giving an opportunity to the Indian shipping companies to carry such passengers and enter into the necessary contract for that purpose?

(f) Will Government be pleased to state whether, in entering into such contracts with shipping companies in future, they will give preference to Indian shipping companies owned, controlled and managed by Indians wherever they operate?

Mr. C. M. G. Ogilvie: (a) (i) Yes.

(ii) The Government of India are party (with His Majesty's Government in the United Kingdom) to certain agreements with shipping companies for the conveyance of military passengers between India and other ports.

(b) (i). A contract for carriage of military personnel exists with the British India Steam Navigation Company between India, Ceylon and Burma.

(ii) Information is not available as regards the number of passengers carried and the amount of fares paid between India and other foreign ports. Between India, Burma and Ceylon the amount paid between the 1st June, 1937, and the 31st May, 1938, was approximately Rs. 83,700 and the number of passengers carried was approximately 5,000 of all classes. This may be taken as a fair yearly average.

(c) No.

(d) The contract with the British India Steam Navigation Company is terminable at one year's notice.

(e) (i). No. The second part of the question does not arise.

(ii) No.

(iii) Does not arise.

(f) The position of Indian companies will certainly be given full consideration in the event of it being necessary to enter into a new contract, but no assurance that they will receive preference can be given.

Mr. K. Santhanam: The Honourable Member said that the contract with the British India Steam Navigation Company is terminable at one year's notice. Will the Government of India give that notice so that they may be able to re-consider the matter whether they should ask for any tenders from the Indian shipping companies?

Mr. C. M. G. Ogilvie: No, Sir. Government of India are at present well-satisfied with the service received.

Mr. K. Santhanam: May I ask when the opportunity for the Government of India to reconsider the matter will come?

Mr. C. M. G. Ogilvie: I cannot possibly say that.

Mr. K. Santhanam: Are we to understand that they have no intention of re-considering this matter?

Mr. C. M. G. Ogilvie: That, I must say, cannot be taken as a legitimate assumption. It depends upon what happens. The Honourable Member's question is entirely hypothetical.

Mr. Manu Subedar: In view of the fact that the Honourable Member refuses to place the contract on the table as he said in reply to part (c) of the question, may I inquire whether the rates fixed for the passages are cheaper than the rates charged to ordinary civilians or whether the Defence Department is paying excessive rates?

Mr. C. M. G. Ogilvie: All I can say is that the rates are not excessive.

Mr. Manu Subedar: I am asking whether they are cheaper than what is charged to the civilian passage?

Mr. C. M. G. Ogilvie: I should require notice of that.

Mr. S. Satyamurti: My Honourable friend said in answer to clause (e)(i) of the question, that they did not invite tenders. Without inviting tenders, may I know how they came to the conclusion that the interests of Government have been protected by entering into this contract?

Mr. C. M. G. Ogilvie: I am afraid the Honourable Member did not read the question. It says whether the Government of India have any tenders and the answer is 'No'.

Mr. S. Satyamurti: Before this contract was entered into with the British India Steam Navigation Company, may I ask whether any tenders were invited and whether the rates showed that they were comparatively the best?

Mr. C. M. G. Ogilvie: I must ask for notice of that question.

Mr. S. Satyamurti: With regard to clause (f) of the question, may I know whether the Government will consider the question of giving notice or not giving notice from the point of view of giving encouragement to the Indian shipping interests?

Mr. C. M. G. Ogilvie: No, Sir. There is no question at present of giving notice.

Mr. S. Satyamurti: I want to know whether in coming to a decision on the question of giving further contract Government will pay paramount consideration to the fact that in spending the Indian tax-payer's money, the interests of Indian shipping should be borne prominently in mind.

Mr. C. M. G. Ogilvie: In a question like the transport of troops the only question which will weigh with the Government is efficiency combined with economy.

Mr. S. Satyamurti: Have the Government come to the conclusion that the Indian shipping is not economic or efficient?

Mr. C. M. G. Ogilvie: It does not arise at present.

WINGSLLOT INVENTION OF MR. PHIROZE NAZIR.

384. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Defence Secretary be pleased to state:

- (a) whether it is a fact that Mr. Phiroze Nazir, a young Indian inventor working in London, published details of a wingslot invention which was described by experts as of the utmost importance to flying;
- (b) whether it is a fact that Government thought so highly of the invention that they met the original cost of patents;
- (c) whether it is a fact that Mr. Nazir has been trying to persuade the British Air Ministry in England to give his invention a proper trial in a wind tunnel and that he was informed to the effect that they cannot begin to test his invention until the rush of rearmament is over; and
- (d) whether Government in the interest of Imperial defence in this country, or in India's defence interest, tried to influence the decision of the authorities in Great Britain to expedite the trial of Mr. Nazir's inventions?

Mr. C. M. G. Ogilvie: (a)—(d). This question should have been addressed to the Honourable the Communications Member.

COMMITTEE APPOINTED ON THE INDIANISATION OF THE ARMY.

385. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Defence Secretary please state:

- (a) whether a committee has been appointed by Government on the question of Nationalisation (Indianisation) of the Army in India and for the future methods of recruitment;
- (b) whether this committee has been appointed in response to the Resolution adopted by this House in last year's Simla Session on the subject, or whether it has been appointed in conformity with the unanimous recommendations of the Indian Sandhurst Committee in 1926;

(c) whether Government propose giving full effect to the Resolution passed in the last Simla Session of the Assembly by appointing majority of its members from the elected Members of the Legislature; and

(d) if not, whether he will state his reasons therefor?

Mr. C. M. G. Ogilvie: (a) Yes.

(b) For both the reasons mentioned by the Honourable Member.

(c) No.

(d) Because Government's freedom of choice would be unduly restricted.

Mr. S. Satyamurti: May I know what is this "freedom of choice" exercised for?

Mr. C. M. G. Ogilvie: In order that Government may get what appears to it to be the source from which the best advice is likely to be obtained.

Mr. S. Satyamurti: Have the Government come to the conclusion that the best advice is not likely to be obtained by a committee with a majority of its members from the elected Members of this House?

Mr. C. M. G. Ogilvie: That will seem to be on this subject a natural inference.

Mr. S. Satyamurti: May I know the reason why Government have come to this "natural inference" that a majority of elected Members of this House on a Committee of this kind will not give the best advice to Government on a matter which is of vital interest to this House, as it has shown on more than one occasion?

Mr. C. M. G. Ogilvie: Because a great deal of experience of various kinds is required and though the opinions of elected Members as such are of political value, this is a practical problem of great difficulty in which certain types of experience and qualifications are necessary.

Mr. S. Satyamurti: Have Government examined the list of elected Members of this House and come to the conclusion that they cannot get six or seven Members from the whole list of elected Members—Europeans and Indians—who will have the requisite experience, knowledge and practical statesmanship to give them the best advice on a matter of this kind?

Mr. C. M. G. Ogilvie: The Committee which Government sought to appoint was the one which it thought would give it the best advice.

COMMITTEE APPOINTED ON THE INDIANISATION OF THE ARMY.

386. *Mr. S. Satyamurti (on behalf of Seth Govind Das): Will the Defence Secretary please state:

(a) whether he is aware of, or his attention has been drawn to the opinions expressed in the press of the country to the effect that the terms of reference for the committee appointed on the Indianisation of the Army is unsatisfactory;

(b) the number of members of the committee;

- (c) the number of elected members of the Central Legislature appointed to the committee and whether they constitute a majority of the committee; and
- (d) whether he is aware that he, in the course of his speech in the debate on the Resolution, said that "he did not find any particular fault with the demand of the Congress that the majority of the committee should consist of elected members of the Central Assembly that the presence of the elected members of the Legislature would be not only welcome but would be regarded as absolutely essential"?

Mr. C. M. G. Ogilvie: (a) Yes.

(b) and (c). I refer the Honourable Member to the press note dated the 11th January, 1939, on the subject.

(d) The Honourable Member has not quoted the relevant extract of my speech in full. I refer him to the printed proceedings of this House for the 2nd September, 1938.

Mr. S. Satyamurti: With reference to the answer to part (a), may I know whether Government propose to persist in their terms of reference which include *inter alia* that the Committee may recommend a going back even on the present system?

Mr. C. M. G. Ogilvie: I do not think that the Honourable Member need understand it includes a going back on the present system. It only includes the possibility of going back upon the present system of recruitment.

COMMITTEE APPOINTED ON THE INDIANISATION OF THE ARMY.

387. *Seth Govind Das: Will the Defence Secretary please state:

- (a) whether he proposes influencing the decision of Government to change the constitution of the committee and to appoint more elected members of the Legislature to the committee appointed to examine and report on the question of Indianisation of the Army;
- (b) whether he proposes defining the terms of reference by explicitly putting forth the objects as embodied in the Resolution passed by this House on the subject; and
- (c) if not, whether he will please explain his reasons therefor?

Mr. C. M. G. Ogilvie: (a) and (b). No.

(c) The terms of reference are already sufficiently explicit.

RECORDING OF CORRECT CENSUS.

388. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Home Member please state:

- (a) whether any complaint has been made, or doubt expressed, by any section of the public, or by any official engaged in the last census, that the communal partiality of enumerators has sometimes been responsible for incorrect or careless recording of religion, particularly amongst the backward and hill tribes;

†Answer to this question laid on the table, the questioner having exhausted his quota.

- (b) whether the attention of Government has been drawn to the following resolution of the Bengal Hindu United Association at its Working Committee's meeting of the 27th January, 1939, in the presence of Raja Kshitindra Chandra Deb Roy Mahasaya, Srijut Mrinal Kanti Ghosh, Editor, *Amrita Bazar Patrika*, and other leading Hindus of Bengal; "The association draws the attention of the Government to the necessity of appointing a Hindu enumerator with a Muhammadan enumerator in order to ensure correct recording of census"; and
- (c) whether Government have considered or propose to consider the above suggestion?

The Honourable Mr. R. M. Maxwell: (a) Yes. I refer the Honourable Member to paragraph 164 of part I of the first volume of the 1931 Census Report.

- (b) I have seen a press report of the resolution.
- (c) The answer to both parts is in the negative.

RELEASE OF MR. DHANWANTRI SENTENCED IN THE DELHI CONSPIRACY CASE.

†389. ***Prof. N. G. Ranga:** Will the Honourable the Home Member be pleased to state:

- (a) if Mr. Dhanwantri, sentenced in the Delhi conspiracy case, is in the charge of the Government of India;
- (b) where is he now located;
- (c) who is responsible for his release;
- (d) when he is due to be released; and
- (e) whether Government are prepared to order his release immediately?

The Honourable Mr. R. M. Maxwell: (a) and (b). Mr. Dhanwantri is in charge of the Superintendent, Lahore Central Jail, where he is serving his sentence of imprisonment.

- (c) The Superintendent, Lahore Central Jail, for his release on the expiry of his sentence; the Government of India for any earlier release.
- (d) The information has been asked for and will be laid on the table in due course.
- (e) No.

FENCING OF THE BOUNDARY BETWEEN BRITISH INDIA AND PONDICHERRY WITH BARBED WIRE.

390. ***Mr. K. Santhanam:** Will the Honourable the Finance Member please state:

- (a) whether it is proposed to fence the boundary between British India and Pondicherry with barbed wire;
- (b) the total cost of such fencing;
- (c) the estimated increase in customs revenues as a result of such fencing; and

†Answer to this question laid on the table, the questioner being absent.

(d) whether similar fencing is contemplated in the case of other customs boundaries?

The Honourable Sir James Grigg: (a) Sanction has been given to the fencing with barbed wire of portions of the Pondicherry and Karikal frontiers.

(b) For the portions so far sanctioned the estimate is Rs. 3.21 lakhs.

(c) The fencing has been sanctioned as being the most effective and economical method of avoiding the loss of revenue which would otherwise result and which is estimated to amount annually to very much more than the capital cost of the fencing. The amount of such loss cannot however be estimated accurately.

(d) Fencing of different types, suitable to the nature of the country, is adopted on other customs boundaries.

Mr. K. Santhanam: With reference to part (c) may I know if there will be any reduction in the customs staff as a result of this barbed fencing?

The Honourable Sir James Grigg: If the barrier of barbed wire fencing has been completed and is in effective operation, I imagine it will be possible to reduce the number of human obstructions to smuggling.

Mr. K. Santhanam: Before the Honourable Member sanctioned the estimates, did he calculate the possible reduction in staff thus saving in expenditure?

The Honourable Sir James Grigg: No, Sir, the main consideration was the reduction in smuggling and therefore increased revenue which is vastly more important than the actual cost of staff.

Mr. K. Santhanam: Was any financial justification presented to the Finance Department before this scheme was sanctioned?

The Honourable Sir James Grigg: Certainly.

SPECIAL PAY ATTACHED TO POSTS UNDER THE GOVERNMENT OF INDIA.

391. ***Mr. K. Santhanam:** Will the Honourable the Home Member please state:

- (a) the number of posts under the Government of India to which special pay has been sanctioned since 1st April, 1937;
- (b) the number of officials under the Government of India to whom special pay has been sanctioned in their personal capacity since 1st April, 1937;
- (c) the total annual recurring cost of all special pays attached to all posts and officers under the Government of India; and
- (d) whether Government have considered the desirability of putting an end to this system of special pay as a measure of economy and purity of administration?

The Honourable Sir James Grigg: (a) and (c). The information asked for is not readily available and cannot be collected without labour and expense which would not be commensurate with the results obtained.

(b) The number of these is extremely small, less than half a dozen, as the strictest orders have been passed against them, and each case requires my personal concurrence.

(d) In so far as special pay is attached to a post as a matter of administrative convenience in preference to raising the pay of the post, or in so far as it represents remuneration for extra duties which would otherwise require an additional post, it is both economical and administratively sound, and there are no grounds for abandoning the system.

Mr. S. Satyamurti: With reference to part (d), may I know whether Government realise that there is a danger of favouritism in this grant of special pay especially in their personal capacity to Government servants, and whether the Honourable the Finance Member will stop this as a source of abuse?

The Honourable Sir James Grigg: Certainly; that is the reason why strict orders have been passed against them. There are, of course, certain rights for the granting of special pay which have acquired statutory protection.

Mr. S. Satyamurti: Apart from these special pays which are statutorily protected, is it the present policy of Government not to grant special pays in personal capacity to any Government servant?

The Honourable Sir James Grigg: Except on very clear justification, that is so.

Mr. S. Satyamurti: With regard to this "very clear justification", may I know whether it is the department concerned which alone makes up its mind on this matter, or whether the matter is brought up before the Finance Department first, and then before the Government of India as a whole before such pays are sanctioned?

The Honourable Sir James Grigg: I do not think the Honourable Member could have listened to my answer to part (b):

"Strictest orders have been passed against them and each case requires my personal concurrence."

Mr. K. Santhanam: With reference to part (b) may I know the officials to whom that pay was given after 1st April 1937?

The Honourable Sir James Grigg: No, Sir.

Mr. S. Satyamurti: It is only about half a dozen cases. In order to enable the House and the public to judge on the justice or otherwise of this special concession, will the Honourable Member give those names to the House?

The Honourable Sir James Grigg: I cannot give the names. They cover not only Government servants at the headquarters, but they are spread over the whole of the Customs and Income-tax services and the railway service and it would take a considerable time to hunt them out.

Mr. K. Santhanam: If they are spread over such a vast number of the services, how did the Honourable Member inform the House that the number of these cases is only about half a dozen?

The Honourable Sir James Grigg: That is based on the recollection of the Branch. It is not the precise figure. It is the recollection of the Branch of the Finance Department which deals with these cases.

SALARY OF THE PRIVATE SECRETARY TO HIS EXCELLENCY THE GOVERNOR GENERAL.

†392. ***Mr. K. Santhanam:** Will the Honourable the Home Member please state:

- (a) the usual salary for the post of Private Secretary to His Excellency the Governor General;
- (b) what is the salary of the present Private Secretary; and
- (c) the reasons, if any, for any variation in the salary of the present incumbent?

The Honourable Mr. R. M. Maxwell: The question should have been addressed to the Honourable the Leader of the House.

CHANGES IN THE DEPARTMENTS UNDER THE CONTROL OF HIS EXCELLENCY THE VICEROY AND THE CROWN REPRESENTATIVE.

†393. ***Mr. K. Santhanam:** Will the Honourable the Home Member please state:

- (a) the changes that have been made in the last year in the constitution of departments under the direct control of His Excellency the Viceroy and the Crown Representative;
- (b) the changes, if any, in the salaries of the Secretaries and other principal officers of those Departments; and
- (c) the increased annual cost of the reorganisation?

The Honourable Mr. R. M. Maxwell: The question should have been addressed to the Honourable the Leader of the House.

EXTERMENT OF PANDIT CHANDER GUPTA VEDALANKAR FROM DELHI PROVINCE.

394. ***Bhai Parma Nand:** (a) Will the Honourable the Home Member be pleased to state whether it is a fact that Pandit Chander Gupta Vedalankar has been externed from Delhi Province for a period of one year?

(b) If the answer to part (a) be in the affirmative, what is the cause and circumstances under which the Government have resorted to such a drastic step?

(c) Is it a fact that a case under section 188/109, Indian Penal Code, was brought against him by the Delhi Police, in which he was honourably acquitted by the Court?

(d) Are Government prepared to reconsider the case and remove the ban?

The Honourable Mr. R. M. Maxwell: (a) Yes.

†Answer to this question laid on the table, the questioner having exhausted his quota.

(b) Pandit Chunder Gupta Vedalankar was externed from the Delhi Province by the Chief Commissioner because his conduct and public utterances were likely to cause further communal rioting.

(c) He was prosecuted under section 188/109 of the Indian Penal Code, and the Magistrate acquitted him holding that the case was not proved.

(d) No.

Mr. Lalchand Navalrai: May I know if this ban order was made after the acquittal under section 188, Indian Penal Code, or before?

The Honourable Mr. R. M. Maxwell: Yes, Sir. It is *post hoc* but not *propter hoc*.

Mr. Lalchand Navalrai: Was there any adverse report against him before he was prosecuted under section 188?

The Honourable Mr. R. M. Maxwell: He would not have been prosecuted if there had not been something against him.

Mr. Lalchand Navalrai: The prosecution was for opposing some Government servants under section 188. My question is when this ban order was made, was there any complaint against him before he was prosecuted for that particular case?

The Honourable Mr. R. M. Maxwell: I want notice.

STATEMENT OF THE WEALTH OF INDIVIDUALS OR FIRMS DEMANDED BY INCOME-TAX COMMISSIONERS.

395. *Mr. Sri Prakasa: Will the Honourable the Finance Member state:

- (a) if Income-tax Commissioners are authorised to call for a statement of the total wealth of individuals or firms and take a declaration from persons concerned that the same is correct and complete;
- (b) the law under which they are so authorised;
- (c) the purpose for which such a statement is demanded; and
- (d) the penalty, if any, for not supplying the same?

The Honourable Sir James Grigg: (a) and (b). The Honourable Member is referred to sections 22(4), 23(3) and 37 of the Indian Income-tax Act.

(c) For purposes of assessment.

(d) There is no penalty under the Income-tax Act; but the Income-tax Officer has the powers of a Civil Court under section 37.

KEEPING OF BALANCE SHEETS, LEDGERS, ETC., OF ASSESSEES IN THE INCOME-TAX OFFICES.

396. *Mr. Sri Prakasa: Will the Honourable the Finance Member state:

- (a) if it is a fact that Income-tax Officers require assesseees to leave their balance sheets, ledgers, etc., in the Income-tax Office if the examination of the same is not completed at a single sitting; and

- (b) if Government are prepared to consider the desirability of issuing instructions to the effect that ordinarily the books should be allowed to be taken away and the assessee concerned required to bring them again; and when this is deemed undesirable for any reason, that the same are carefully packed and sealed before the assessee with authority to the assessee themselves to put their seals also if they so like?

The Honourable Sir James Grigg: (a) Yes.

(b) Government have already issued instructions to the Income-tax Officers to examine accounts expeditiously and have no objection to amplifying them in the direction suggested by the Honourable Member.

PROPOSAL TO CONSTITUTE MADRAS CITY INTO AN ENCLAVE UNDER A CHIEF COMMISSIONER.

397. *Mr. O. N. Muthuranga Mudaliar: (a) Will the Honourable the Home Member please state whether it is a fact that a proposal is under the consideration of the competent authorities to constitute Madras City into an enclave under a Chief Commissioner, so as to make it serve as a capital of the Andhra and Tamil Provinces when the Andhra Province has been constituted?

(b) Are Government aware that it will not be in consonance with public opinion in the Province?

(c) Have Government received any communication to that effect either from the Madras Government or the Governor?

(d) What action do Government propose to take thereon?

The Honourable Mr. R. M. Maxwell: The question should have been addressed to the Honourable the Leader of the House.

(b) WRITTEN ANSWERS.

LATE INTIMATION GIVEN TO CANDIDATES BY THE FEDERAL PUBLIC SERVICE COMMISSION REGARDING THEIR ADMISSION TO EXAMINATIONS.

398. *Mr. O. N. Muthuranga Mudaliar: Will the Honourable the Home Member please state whether Government are aware of the great discontent which exists among candidates for the examinations conducted by the Federal Public Service Commission, especially the examinations for the superior services, on account of the very late intimation that they receive regarding their admission to the examinations, and whether suitable steps are proposed to be taken in this regard?

The Honourable Mr. R. M. Maxwell: Government are not aware of any discontent among candidates for the examinations conducted by the Federal Public Service Commission. The Commission have not received any complaints which would justify the assertion of the Honourable Member. On the other hand, the Commission make every endeavour to dispose of all applications with the utmost despatch and Government are assured that generally the candidates get from four to six weeks notice of their admission to the examinations conducted by the Commission.

ENQUIRY INTO THE ANTECEDENTS OF CANDIDATES FOR THE INDIAN CIVIL SERVICE EXAMINATION.

399. *Mr. O. N. Muthuranga Mudaliar: Will the Honourable the Home Member please state:

- (a) whether it is a fact that the antecedents of a candidate for the Indian Civil Service examination, especially his political antecedents, are invariably enquired into before his admission to the examination, or as probationer, is decided on;
- (b) the number of candidates and their names in India during the last nine years, who have been refused admission to the examination on account of their political antecedents; and
- (c) the number and names of Indian candidates who have been similarly refused admission in England during the same period?

The Honourable Mr. R. M. Maxwell: (a) The Federal Public Service Commission in India and the Civil Service Commissioners in England make preliminary enquiries under rule 7 of the Rules for the examinations for the Indian Civil Service held in India and England, to satisfy themselves that a candidate's character is such as to qualify him for employment in the Indian Civil Service.

(b) In the nine years 1931-1939 out of 3,569 applicants eleven were rejected for undesirable political antecedents; during the last five years of this period the number has been three.

(c) I regret I have no information.

RECRUITMENT TO POSTS UNDER THE GOVERNMENT OF INDIA.

400. *Mr. O. N. Muthuranga Mudaliar: Will the Honourable the Home Member please state:

- (a) the posts under the Central Government to which recruitment is made through the Public Service Commission; and
- (b) the posts to which recruitment is not so made, together with the reasons therefor?

The Honourable Mr. R. M. Maxwell: (a) and (b). Sub-section (3) of section 266 of the Government of India Act, 1935, requires that, subject to regulations made by the Governor General in his discretion specifying matters on which it shall not be necessary for the Federal Public Service Commission to be consulted, the Commission shall be consulted in making recruitment to civil services and civil posts. The regulations specifying the services and posts for which it is not necessary to make recruitment through the Commission were published with the Government of India, Home Department Notification, No. F. 322/II/35—Ests., dated the 1st April, 1937, a copy of which has been placed in the Library.

The posts to which recruitment is not made through the Commission are those which the Commission have agreed are of such a special or technical nature that Departments of the Central Government are in a better position to recruit than the Commission.

401. *Mr. O. N. Muthuranga Mudaliar: Will the Honourable the Home Member please state whether Government have under consideration, or whether they propose to consider, the question of the desirability of modifying the existing regime in the Chief Commissioners' Provinces so as to bring them into line with other Provinces in India? If not, why not?

STATEMENTS LAID ON THE TABLE

RAILWAY COLLISION AT HARDWAR DURING THE KUMBH MELA.

Serial No.	Persons killed or injured in the Accident.	Particulars of the claimant.	Persons to whom compensation paid.	Relationship with the deceased.	Amount of Compensation paid.
					Rs. A. P.
1	Mst. Suraj Mani Devi <i>alias</i> Ambika Devi (killed).	Mr. Biswanath Rajguru (Son of the deceased) Ballsahi, Puri.	(1) Mr. Biswanath Rajguru. (2) Mr. Keshab Chandra Rajguru.	Son .	836 8 0
				Son .	836 8 0
2	Mst. Apsara Devi <i>alias</i> Achhra Devi (killed).	Mr. Madhusudan Mishra (Son of the deceased) Brahmagiri, Puri.	(1) Mr. Madhusudan Mishra. (2) Mr. Keshra Mohan Mishra.	Son .	796 0 0
				Son .	796 0 0
				Total .	3,265 0 0

Information promised in reply to part (c) of unstarred question No. 71 asked by Mr. B. B. Varma on the 10th November 1938.

(c) Exemption from section 62 of the Indian Railways Act, 1890, has been given for all or certain trains on the following Class II Railways (in addition to the Shahdara-Saharanpur Railway) :

1. Barsi Light.
2. Bengal Dooars.
3. Bhavnagar State.
4. Darjeeling Himalayan.
5. Dibru Sadiya.
6. Gaekwar's Baroda State.
7. Gondal.
8. Jaipur State.
9. Jamnagar and Dwarka.
10. Junagadh State.
11. Morvi.

Information promised in reply to starred question No. 1388 asked by Syed Ghulam Bhik Nairang on the 22nd November, 1938.

INADEQUATE REPRESENTATION OF MUSLIMS IN THE OFFICES SUBORDINATE TO
THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

Serial No.	Name of offices.	Name of officer.	Date of appointment.	Remarks.
1	2	3	4	5
1	Director-General, Indian Medical Service.	(1) Mr. Mohd. Mohiuddin Khan, Clerk	24-4-33	Still in service.
		(2) Mr. Ahmed Din Sheikh Assistant	18-12-34	Do.
		(3) Mr. Ahmad Said, Clerk	30-8-35	Do.
		(4) Mr. G. N. M. Ellam, Clerk	21-8-36	Do.
2	Director, Imperial Agricultural Research Institute.	(5) Mr. Abdul Hamid, Computer	1-6-37	Do.
		(6) Mr. Nasiruddin, Engine Driver	27-11-36	Do.
		(7) Mr. Amir Mohd. Khan, Clerk	17-6-37	Do.
		(8) Mr. Habibur Rahman, Fieldman.	1-8-36	Do.
		(9) Mr. Gulam Ullah, Assistant	10-12-36	Do.
		(10) Mr. Sher Khan, Fieldman	13-5-35	Do.
		(11) Mr. Manzur Ahmad, Assistant Setter	21-11-36	Do.
		(12) Mr. A. Gulam Dasthagir, Store Clerk	26-4-35	Do.
		(13) Mr. Abdul Rashid, Plant Collector	7-8-36	Do.
		(14) Mr. Manzoor Ahmad, Fieldman	15-8-36	Do.
		(15) Mr. M. S. Anwar, Fieldman	1-3-37	Do.
		(16) Mr. Shikh Mohd. Umar, Assistant	1-8-36	Do.
		(17) Mr. Syed Wali Ahmad, Clerk	1-6-33	Do.
3	Director, Imperial Veterinary Research Institute.	(18) Mr. Tufail Ahmad, Veterinary Inspector	3-8-33	Remained in service till 21-11-37.
		(19) Mr. Ahmad Bakhsh, Artist	16-7-34	Still in service.
		(20) Mr. Sana Ullah Shah, Power House Clerk	4-7-34	Do.
		(21) B. Saulat Hussain, Dresser	24-6-35	Do.
		(22) B. Barkat Ali Khan, Sub-Overseer	23-7-36	Do.
		(23) B. Mustaq Hussain, Assistant Fitter	1-6-36	Do.
4	Imperial Dairy Expert, Bangalore.	(24) Mr. Abdul Hye, Blacksmith	25-9-37	Do.
		(25) Syed Abdul Gaffar, Clerk	20-2-38	Do.
5	Inspector General of Forests.	(26) Sh. Mohd. Tamizul Haq, Assistant Clerk.	24-6-33	Do.
		(27) M. Saghir Ahmad Khan, Assistant Clerk.	16-1-35	Do.
		(28) S. Ibne Hasan Zaidi, Machine Operator	17-4-35	Do.
		(29) B. Mohd. Ibrahim, Fitter	22-7-35	Do.
		(30) S. Murtaza Laboratory Assistant	12-8-35	Do.
		(31) B. Ashaq Husain, Carpenter	2-10-35	Do.
		(32) M. Abdul Rahim Nagi, Engineer Mechanic	4-11-35	Do.

Serial No.	Name of offices.	Name of officer.	Date of appointment.	Remarks.
1	2	3	4	5
6	Surveyor General of India.	(33) Saiyid Saghir Hasan, Sub-Assistant Superintendent	25-11-35	Still in service.
		(34) Motaqid Hyder Kadri, Clerk	1-6-33	Do.
		(35) Mr. Amir Ahmad Ansari, Clerk	9-11-35	Do.
		(36) Syed Zahurul Hasan Zaidi, Store Keeper.	29-6-36	Do.
		(37) Mr. Ahsan-ur-Rahim, Store Keeper	26-6-36	Do.
		(38) Mr. Nasiruddin Hyder, Draftsman	24-3-33	Do.
		(39) Munshi Nur Ahmad, Draftsman	1-4-33	Do.
		(40) Munshi Shah Jamaluddin, Draftsman	1-4-33	Do.
		(41) Mr. Abdul Wassey, Surveyor	11-4-33	Discharged on 10-5-37.
		(42) Mr. Mohd. Ishak Khan, Draftsman	20-4-33	Still in service.
		(43) Mr. Fahimuddin, Surveyor	26-4-33	Do.
		(44) Mr. Gunner Sarwar Khan, Soldier Surveyor	1-5-33	Do.
		(45) Mr. Habibulla Khan, Surveyor	25-5-33	Do.
		(46) Mr. Md. Abdul Quddus Khan, Draftsman	3-7-33	Do.
		(47) Mr. Razai Hasanain, Surveyor.	1-1-35	Do.
		(48) Mr. Shahadat Husain, Engraver	2-4-35	Do.
		(49) L/Naik Inayat Khan, Soldier Surveyor	1-5-35	Do.
		(50) L/Naik Ali Hassan, Soldier Surveyor	1-5-35	Do.
		(51) Naik Abdul Rahman, Soldier Surveyor	1-5-35	Do.
		(52) Mr. Wilayat Hossain, Draftsman	1-9-35	Do.
		(53) L/Naik Maqbool Hussain, Soldier Surveyor	1-5-36	Do.
		(54) Sepoy Md. Alam, Soldier Surveyor	1-5-36	Do.
		(55) Mr. Md. Ayub, Pupil Draftsman	15-6-36	Do.
		(56) Syed Samin Husain Naqvi, Pupil Draftsman	11-8-36	Do.
		(57) Mr. Akbar Ali, Zinc Corrector	7-7-33	Do.
		(58) Syed Azmat Ali, Litho Draftsman	10-7-33	Do.
		(59) Mr. Masiur Rahman, Colourist	3-4-34	Do.
		(60) Kazi Rafiuddin Ahmad, Negative Retoucher	12-11-34	Do.
		(61) Mr. Goolam Mustafa, Negative Retoucher	2-1-35	Do.
		(62) Mr. Ahmed Hosain, Negative Retoucher	2-4-35	Do.
		(63) Mr. Abdulla Khan, Book binder	1-5-35	Do.
		(64) Shaikh Ghulam Mawla, Workshop Apprentice	25-1-36	Do.
		(65) Mr. Islam Ali, Workshop Apprentice	25-1-36	Do.

Serial No.	Name of offices.	Name of officer.	Date of appointment.	Remarks.
1	2	3	4	5
6	Surveyor General of India— <i>contd.</i>	(66) Mr. Panchuruddin Kayal, Workshop Apprentice	29-1-36	Still in service.
		(67) Mr. Shaikh Md. Hanif, Workshop Apprentice	29-1-36	Do.
		(68) Mr. Muzaffar Husain, Carpenter	28-2-36	Do.
		(69) Mr. Ferzand Ali, Type Printer	1-7-36	Do.
		(70) Mr. Abdul Sadek, Compositor	21-7-36	Do.
		(71) Mr. Shaikh Mainuddin, Apprentice	6-8-36	Do.
		(72) Mr. Shaikh Gyasuddin, Apprentice	6-8-36	Do.
		(73) Mr. Ahmad Hasan, Head Mistri	2-10-36	Do.
		(74) Mr. S. N. Zaman, Compositor	2-11-36	Do.
7	Director, Zoological Survey of India.	(75) Mr. Abul Bazar Khan, Compositor	15-2-35	Do.
		(76) Mr. Mohsin Ali, Gallery Assistant	27-5-35	Do.
		(77) Mr. Mohd. Boyetulla, Record Clerk	7-4-36	Do.
8	Imperial Record Department.	(78) Mr. H. R. Mohsini, Clerk	1-10-35	Do.
9	Imperial Library, Calcutta.	(79) Mr. S. M. Elias, Clerk	19-2-34	Do.
		(80) Mr. A. R. Siddiqui, Clerk	1-3-35	Do.

Information promised in reply to part (d) of starred question No. 1573 asked by Mr. Manu Subedar on the 29th November, 1938.

USE OF SLEEPERS ON STATE RAILWAYS.

Statement showing the percentage of Canadian pine, Indian wood cast iron and steel sleepers, based on numbers purchased by the State-managed Railways during the years 1933-34 to 1937-38.

Years.	Indian wood.	Broad Gauge.		Canadian pine.	Indian wood.	Metre Gauge.		Canadian pine.
		Cast iron.	Steel.			Cast iron.	Steel.	
1933-34 . . .	67.4	30.3	2.3	...	100.0	...	...	...
1934-35 . . .	58.3	41.7	...	...	100.0	...	...	...
1935-36 . . .	44.3	47.6	8.1	...	100.0	...	...	...
1936-37 . . .	54.0	33.7	12.3	...	100.0	...	...	...
1937-38 . . .	58.5	40.3	1.2	...	100.0	...	...	...

Information promised in reply to starred question No. 1576 asked by Sardar Sant Singh on the 29th November, 1938.

GUARDS ON THE NORTH WESTERN RAILWAY.

(a) The reply to the first part is in the negative and the other parts do not, therefore, arise.

(b) As regards the first part, the conditions of service of guards appointed in either grade II or grade III do not limit their utilisation on any particular category

of trains. As regards the latter part of the question, grades and duties of guards are as follows :

Scales of pay of guards appointed up to 15th July, 1931.

Grade I.—Rs. 30—1—35.
(2nd Guard)

Grade II—Rs. 40—3—52—4—60—8—68.

Grade III—Rs. 75—5—105—10—115.

Grade IV—Rs. 125—10—185—200—210.

Scales of pay of guards appointed after 15th July 1931 :

2nd Guard—Rs. 30—1—35.

Class I, Grade I—Rs. 30—5—50—5/2—60.

Class I, Grade II—Rs. 65—5/2—85.

Class II, Grade I—Rs. 100—10/2—120.

The duties of guards in each grade are :—

Deal with articles, etc., carried "on railway service" and assist the guard in shunting, in seating passengers and taking up line clears to the driver.

As detailed in Chapter III of the General Rules notified in the Railway Department's Notification No. 1078-T., dated the 9th March, 1929, and such subsidiary rules as are notified from time to time by the railway administration.

(c) There are guards of all grades and several communities blocked on the maximum of the scale for varying periods in some cases over 12 years. This is due to want of vacancies in, and in certain cases unfitness for promotion to, higher grades. In some cases, promotion to higher grades was refused by the men themselves.

(d) The reply to the first part is in the affirmative except that the letter referred to is dated the 8th November, 1935 (not 1936). The number of guards, on 8th November, 1938, in grade III, was 238 and in grade IV, 94. The number now in grade III is 219. There has been no increase in the number in the latter grade as the requirements of work, on which the strength in each grade is based, does not justify a larger number.

Information promised in reply to parts (d) and (e) of starred question No. 1932 asked by Mr. M. Ananthasayanam Ayyangar on the 7th December, 1938.

ILL-TREATMENT METED OUT TO INDIANS IN PARIS.

Representations were made by His Britannic Majesty's Ambassador in Paris regarding the expulsion of Mr. Imtiaz Ali Khan. The French Government however, were not prepared to alter their decision in the matter.

His Britannic Majesty's Ambassador in Paris has no information about the case of Mr. Iqbal Shaidi.

Information promised in reply to starred question No. 2013 asked by Maulvi Muhammad Abdul Ghani on the 9th December, 1938.

EXTENSION OF THE MUSSALMAN WAKF ACT TO DELHI AND OTHER CENTRALLY ADMINISTERED AREAS.

Sections 2—13 of the Mussalman Wakf Act, 1923, have not been brought into force in British Baluchistan and Coorg. Muslim opinion in British Baluchistan was against the measure even before the Act was passed and the extent of Wakf property in Coorg is negligible. The Chief Commissioners of these provinces have therefore not found it necessary to bring the sections into force.

Information promised in reply to starred question No. 2249 asked by Mr. H. M. Abdullah on the 12th December, 1938.

PAUCITY OF MUSLIMS IN THE CATEGORY OF BLOCK SIGNAL INSPECTORS ON CERTAIN STATE RAILWAYS.

(a) and (b). The following statement embodies the information asked for :

Railway.	Category of staff.	Hindus.	Muslim.	Sikhs.	Europeans & Anglo-Indians.	Indian Christians.	Others.	Total.
East Indian Do.	Block Signal Inspectors	2	...	1	10	...	...	13
	Assistant Block Signal Inspectors.	12	1	1	6	2	...	22
Great Indian Peninsula.	*Maintenance Tele-graph Inspectors	12	1	...	5	3	2	23
North Western Do.	Block Inspectors	4	3	...	4	...	...	11
	Assistant Block Inspectors	9	4	1	1	1	...	16

(c) and (d). The paucity of Muslims in these categories is due to Muslims with the requisite qualifications not having been available in the past in the lower posts from which promotion to these categories is made. The deficiency will be made up as and when qualified Muslims become available.

Information promised in reply to parts (b) and (c) of starred question No. 175 asked by Mr. Abdul Qaiyum on the 7th February, 1939.

TRAINS HELD UP DUE TO OVERCROWDING NEAR BOMBAY ON THE GREAT INDIAN PENINSULA RAILWAY.

(b) Satyagarha was resorted to on 11th January, 1938.

(c) The traffic was held up for about four hours and two persons were arrested.

THE MUSLIM DISSOLUTION OF MARRIAGE BILL—concl'd.

Mr. President (The Honourable Sir Abdur Rahim): The question is: 12 Noon. "That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I beg to move:

"That after clause 6 of the Bill, the following new clause be inserted:

'7. All suits for the dissolution of marriages will be exempted from the operation of the Indian Court Fees Act, VII of 1870.'

Dissolution of marriages under the Muslim Personal Law (Shariat) Act has been exempted by the various Provincial Governments from the operation of the Court Fees Act and I, therefore, think this amendment should be accepted. The principle has been accepted and to my knowledge the Bihar Government has already legislated on this point exempting from the operation of the Court Fees Act, all these petitions filed for the dissolution of marriages. I, therefore, hope the House will support this motion. I move.

*On the Great Indian Peninsula Railway there is no staff designated "Block Signal Inspectors" or "Assistant Block Signal Inspectors". Block signal instruments are attended to by the Maintenance Telegraph Inspectors.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That after clause 6 of the Bill, the following new clause be inserted:

'7. All suits for the dissolution of marriages will be exempted from the operation of the Indian Court Fees Act, VII of 1870.'

The motion was negatived.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan):

Sir, I beg to move:

"That after clause 6 of the Bill, the following new clause be added:

'7. A Muslim Judge alone shall take cognizance of cases under this Act, and, in respect of cases arising in a District where there is no Muslim Judge, the case shall be tried by a Muslim Judge to be specially empowered by the Provincial Government to tour about and try such cases.'

In moving this amendment, I am fortified by several facts. So far as the French protectorates are concerned, namely, Morocco, Algeria, Tunis and other places, where there are Muslims, Muslim judges and Qazis have been appointed to go into all such cases. Even in British India, there was a time when there were Qazis and Muftis who were attending to these functions and your Capital, Calcutta, Sir, formed the headquarters where Muslims had their own Qazis. Hindus had their own Pandits, and other communities had their own Gurus to attend to marriage functions.

In this connection, Sir, I have to dispel the erroneous opinion that Muslim marriages are only social functions and are merely contracts. It is quite wrong; I say, it is a socio-religious function which has got much of religion in it. Therefore, we insist on Muslim Qazis or judges being appointed. Moreover, when formerly we had Muslim Qazis, Muftis and Pandits,—I have already said that Calcutta was the headquarters,—the Qaziul Quzzat was there, and each province had its Qazis. There were Qazis and Naibs of Qazis for each district and Sadrus Sadr was the other name given to Qaziul Quzzat. Now, all these things have been replaced by the English laws which are against, and detrimental to, the interests of our Indian communities. I am not speaking of Muslims alone; my non-Muslim friends will bear me out when I make this statement. It is not based on any communal considerations; it is a purely religious matter to which much importance is attached by each and every Indian community. So it is that we want Muslim Qazis or Muslim judges. Moreover, it is through Muslim Qazis and judges that marriage ties are tied, and he who ties the knot should untie it. That is why we are very particular regarding the Muslim judge. It is not a case, as Mr. Abdul Qaiyum said, of Muslims reposing their confidence in non-Muslim judges. We do repose that confidence, and we condemn those who do not do so. But here the case is quite otherwise. A Muslim judge should necessarily be appointed to attend to these things for various reasons. I, therefore, hope the House will support me in regard to this motion.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That after clause 6 of the Bill, the following new clause be added:

'7. A Muslim Judge alone shall take cognizance of cases under this Act, and in respect of cases arising in a District where there is no Muslim Judge the case shall be tried by a Muslim Judge to be specially empowered by the Provincial Government to tour about and try such cases.'

The Honourable Sir Nripendra Sircar (Law Member): Sir, Government will oppose this amendment and oppose it at every stage. In fact, they are so much opposed to this particular provision that, if this is carried, they will not like the Bill to be passed at all, if it is within their power.

Now, the reason given is that the Muslim marriage is not a contract, it is a sacrament. I am not going into any question of Muslim law. Let us assume that it is not a contract, although it may be dissolved like any other contract—I am not going into that. Is that the reason advanced why no Parsi judge or a Hindu judge should take up the case? I hope not. Now, let us see—again not raising the communal issue—what would be the effect if this amendment is passed? A Muslim judge will try this case. Then, as there are no special provisions for appeal in this Bill, it will go up to the High Court. What then? Are we going to have a bench of Muslim judges of the High Court necessarily for trying this appeal? Let us proceed a step further, and suppose the case has come up before the Judicial Committee of the Privy Council. At the present moment, there are not enough Muslim Judges in the Judicial Committee to form a bench of three or four for hearing this appeal. Therefore, the position is this: the original case must be tried by a Muslim on purely religious grounds, but when it goes on appeal, the bench which can upset the lower court's judgment cannot be a Muslim bench. Therefore, I submit, my friend's point will not be gained by this. But we cannot accept this principle that a case of a particular community must be judged by a judge of that community. What is happening to the cases of the Hindus? We have got most learned judgments on Hindu law by the late Justice Mahmood: he has gone into Sanskrit texts, he has considered them and we consider them to be as binding on us and as just and as fair as any judgment given by a Hindu judge. Therefore, this is really casting an aspersion on the judicial honesty of the judges

Maulvi Syed Murtuza Sahib Bahadur: No, no.

The Honourable Sir Nripendra Sircar: . . . or on their knowledge of law. That is to say, the Muslim law is such that a Hindu judge or a European judge can understand every other branch of law, beginning from maritime and ending with defamation, but Muslim law is the one law which nothing but a Muslim brain can capture. We cannot for one moment accede to this position.

Then, it is almost a fantastic suggestion that there should be a touring Muslim judge whose sole business will be to dissolve, not contracts, but the sacraments—the Muslim marriages. A Muslim judge alone shall take cognisance of cases under this Act; and in respect of cases arising in a district, where there is no Muslim judge, the case shall be tried by a Muslim judge who is specially empowered by the Provincial Government to tour about to try such cases. I hope, if this amendment is pressed, some one will tell me what will happen when the case goes up before the Judicial Committee. Is it suggested that the Judicial Committee should be packed with Muslim judges to enable them to do justice to this Bill? If not, then what happens? What remains of the point that none but a Muslim can hear the laws of the Muslims? Apart from all questions of administrative inconvenience and other objections, I submit, this is introducing a principle that we cannot possibly accept. I oppose the amendment.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, I thought I would get no opportunity at all to speak on certain clauses of this Bill to which I was opposed from the very beginning. I am, therefore, glad that I am present today and an unexpected amendment has come up for discussion now

Maulvi Syed Murtuza Sahib Bahadur: We welcome your arrival.

Mr. M. S. Aney: And I welcome this amendment also because it gives me an opportunity of saying that I am opposed to certain clauses of the Bill even in the modified form as it has emerged now. But I do not want to go beyond the point raised by the present amendment. If I mistake not, when this Bill was referred to the Select Committee, the Government made their position perfectly clear, that they could accept the Bill provided the old clause of the Bill which dealt with the question of the appointment of judges to try the cases was altogether dropped and no demand for an exclusive appointment of Muslim judges for trial of cases of divorce under this law was made. That was one of the understandings on which the Government were prepared to consider this Bill and allow it to go to Select Committee. In the Select Committee, also, I find that the demand contained in the original Bill was dropped; but here, like the phoenix, the dead thing has come to life again at the fag end . . .

Maulvi Syed Murtuza Sahib Bahadur: The full House has got such an authority, I hope.

Mr. M. S. Aney: I have not questioned the authority of the House: I am only narrating the events that took place, and I am mentioning the facts as they have occurred. The House has got every authority to undo everything that has been done by the Select Committee: it can even enact a new Bill if it likes; but I also think that the House can take into consideration the various stages through which the Bill has gone, the various considerations which have weighed with the Members in giving their consent to the various stages of the Bill before it can make up its mind on the particular amendment before the House. Thus far there was a sort of understanding that, at least, the demand for the exclusive appointment of Muslim judges for the trial of cases arising out of this Bill for the dissolution of marriages was a matter not to be seriously pressed and considered. However, the House has a right to consider that question if some Member thinks it necessary to press it. As regards the merits of it, we have listened to what the Honourable the Law Member has just told us, the difficulties in which the litigant will find himself if this amendment be passed. Assuming the question of dissolution of marriage is a matter of a religious nature and, therefore, none but a Muslim can be a proper judge to hear it, it has been made abundantly clear that the benefit of a Muslim judge cannot be had through all the stages through which the litigation is likely to go under certain circumstances . . .

An Honourable Member: Why?

Mr. M. S. Aney: If you can secure a Muslim judge in the first court, there is the High Court where you may not necessarily have a Muslim judge; then, there is the Judicial Committee where there may not a Muslim judge at all; and, so, at one stage or another, the litigant will have to get a decision from a non-Muslim judge; or, in order to avoid that, an arrangement will have to be made to retain at least one Muslim Judge or even two or three Muslim judges to form a bench or full bench in all the High Courts and the Privy Council in anticipation of a contingency of this kind arising later on. This is, from an administrative point of view, and, also, from the point of view of the purity of justice, in my opinion absurd. What is really the point? My learned friend wants to say that the Muslim

marriage is not merely a contract: it is of a religious nature: probably he meant to say that it is a sacrament also under the Muhammadan law. That is probably what he wanted to convey. The correctness of this proposition itself I deny, because all the Muhammadan jurists whose opinion is recognised as an authority in this country have been very explicit on this point, that so far as a Muhammadan marriage is concerned it is not a sacrament at all. It has been conceded by the Muhammadan jurists. In fact they take that as one of the distinguishing features of Muhammadan marriage from the system of marriages prevailing among other people. Even if it be a religious sacrament or anything of the sort, the question arises whether the issue relating to its dissolution will have to be decided according to the religious law of the people. The point is whether it is not possible for any person other than a Muhammadan to interpret the Muhammadan law and particularly this law which we are making. What are we to decide in this case? Is it a question of Muhammadan law that has to be decided? We have taken out from the Muhammadan law all the principles on which a dissolution of marriage can be demanded. . . .

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Not all.

Mr. M. S. Aney: Yes, "any other ground" mentioned in the omnibus clause is there. But the provision is there in that vague form because nobody could think of any other ground: even with the best of industry they could not possibly find any other ground, but it is a provision made to provide against a very remote possibility that perchance something might have escaped their notice for the present but might be discovered later and hence they said "any other ground.". . . .

Sir Syed Raza Ali: There are other grounds, but you cannot put everything down in the Bill.

Mr. M. S. Aney: If there are any other grounds, I think they ought to be mentioned here and an amendment should be moved. It is not fair to this House that the grounds which are known and ascertainable should still be deliberately left out to lurk behind. I can only understand it if, perchance, something has been left out through ignorance. It cannot be said that my learned friends know the grounds that exist but they have not mentioned them here or they don't want to mention them here. Anyhow, the very principles on which we want the marriage to be dissolved have been categorically stated in so many sub-sections from 1 to 18 or 19. I think, and those principles have been clearly defined. Now, is it difficult for anybody to interpret this Act as it is? Does it require any special or deep knowledge of Muslim culture and Muslim law on the part of a Judge to interpret this law.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Under the Shariat a non-Muslim Judge cannot be appointed to try such cases.

Mr. M. S. Aney: You have taken the matter out of the purview of Muslim personal law, and my Honourable friends have failed to observe it. My point is this, if you really want to be governed by the Muslim personal law, then leave the matter where it was under the Shariat law. If the matter had rested there, the matter would have been very much simpler; in that case, it would have been only a question of Muslim personal law which the Judge had to take into consideration. But now the

[Mr. M. S. Aney.]

question before the House is this, whether it comes under one of the principles stated in this law or not. You, as devout Muhammadans, have accepted those principles, and you are bound by those principles, even though some of these principles may be against the principles of Muslim personal law, still you are bound by those principles. Nothing in this world can alter that position. My Muslim friends have created a Statute-law for the purpose of divorce to replace and supersede their personal law which was in existence. It is a situation which has been created by those who are most devout Muslims and who, hitherto, regarded interference by legislation in matters of religion as something profane and unthinkable; but these are the gentlemen who have come forward with a legislation of this nature, and having succeeded in taking this matter out of the purview of the Muslim personal law, they still labour under the hallucination that this Bill before the House is a religious Bill. Are we really making a religious law for you gentlemen? Do my friends think that this House is competent to make a religious law for them here? Their religion has been founded for them by that great Prophet who was born in Arabia and who has left for them a rich legacy in the form of the Holy Koran, and my friends here must only rely upon it for drawing their religious inspiration. But if they think that the law in the Holy book is inadequate and that something more is required, and they approach a purely secular body, like this Legislature, the majority of the Members of which care but little for religion and the other world they must also be prepared for the consequences that follow as a matter of course. Having submitted themselves to the jurisdiction and sanction of a body like that, they have to obtain the text of the law from such a body. But I can assure my Honourable friends here that if we as Members of this House are competent to make the law here, any one of us is competent to interpret it in the best and most equitable way, and there is nothing in it to justify the invoking the assistance of a Qazi or a Muslim judge to interpret this law and administer justice. I, therefore, think, Sir, that the amendment is redundant and it should be rejected.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Mr. President, it appears to me that there is a good deal of misconception about the reason for moving this amendment which my Honourable friend, Syed Murtuza Sahib Bahadur, has moved, and, in the discussion which has so far taken place, a number of things have been said, about which I feel constrained to make a few observations. I was also in the Select Committee which decided that the original clause relating to the jurisdiction to hear suits should be abandoned, but, as a matter of fact, I joined the meeting of the Select Committee a few minutes later than I ought to have joined owing to a misconception as to the time of the meeting. . . .

The Honourable Sir Nripendra Sircar: On a point of order, Sir. Is my friend entitled to tell the House as to what he did in the Select Committee and why?

Syed Ghulam Bhik Nairang: I am not telling the House what was done there. I am merely anticipating an objection that I should not speak in favour of this amendment against the Report of the Select Committee. I simply want to point out that I happened to be absent at that time, otherwise I might have placed the true point of view before the Select Committee, a point of view which I am going to place before the House now,

whatever the decision of the Select Committee might have been. This matter had been decided before I joined the meeting and of course I had no right in the Select Committee to ask them to go back upon their decision or to revise it or to come to some other decision. The matter was left there. Even now I feel that I am bound as one of the Members of the Select Committee to stick to the recommendations of the Select Committee, but I only want to explain a few things which, I am afraid, are being misunderstood.

The first occasion when I came to notice that there was a curious objection to that part of the Bill which required that these suits should be heard by a Muslim Judge was when the opinions on the Bill, after its circulation, had been obtained, because I found that certain bodies and certain people had raised this point and said that this would imply a distrust of non-Muslim judiciary. That came to me as a great surprise. I thought this was a misconception, an unconscious misconception it may be, of the reason for putting in that section there. My Honourable friend, Syed Murtuza Sahib Bahadur, has already most emphatically declared that it does not in the least imply any distrust whatsoever of non-Muslim Judges, and I repeat it. The Honourable the Law Member in his speech today said that while non-Muslim Judges or non-Muslim lawyers are capable of understanding all other systems of law, those who press for the appointment of Muslim Judges for the purpose of hearing such suits appeared to imply that this particular branch of Muslim law was above their comprehension and they were incapable of understanding it. That is not the idea at all. We know that the Muslim law, as a system of law, can be understood by any human being, in fact all rational systems of law which are meant to be understood by men have always been understood and applied by men. That is not the point here at all. The question whether a Muslim marriage is a sacrament or a contract is, to my mind, irrelevant to the point which is being discussed. Let it be a sacrament or let it be a contract. Even if it is treated as a sacrament, we know that the Christian marriage is all along held to be a sacrament, and yet Christian marriages are also dissolved by Judges under certain circumstances under some system of law. So, a dissolution of a sacrament by a court is not a new thing or an unheard of thing. In fact, I do not understand what my Honourable friend, the Law Member, means when he says—why should not a contract of marriage like all other contracts be dissolved by a Court? To my mind, a court never dissolves a contract, it only rescinds a contract, if at all, and its action is termed a rescission not a dissolution of a contract. We all know of dissolution of partnership by a court but that is a different thing. However, we need not quarrel about words. Let us clearly understand what the meaning is. If we want to understand the true position of a Muslim in this matter, it is this. The Muslim law holds that a Judge or Qazi when pronouncing decrees for separation of married people acts under a delegated authority. That is to say, when the husband does not pronounce the formula of *talak* and the Judge, in certain circumstances under the provisions of the Muslim law, pronounces it, he acts as a delegate of the husband. That power of the husband is delegated to him not by any act of the husband, but by operation of law—the power to pronounce the formula of *talak* is delegated to the Court. It is in this sense that the Muslim law lays down that that power to pronounce *talak* in such cases will be looked upon as delegated to the Judge and that power can be delegated only to a Muslim. That is the real point and let nobody understand that

[Syed Ghulam Bhik Nairang.]

we, in any way, suspect that any injustice will be done by non-Muslim Judges in these cases. We do not want to assert for a minute that non-Muslims are mentally incapable, intellectually incapable, of understanding the provisions of the Muslim law. Let us not put into the mouth of those who put forward this amendment or support it what they never say or never think. Of course, if we cannot have such a provision on account of its being impracticable, as pointed out by the Honourable the Law Member, that is another matter. I do admit the force of his argument that the amendment as it stands is, at least, defective because it appears to contemplate only the court of original jurisdiction, the trial court, appears to contemplate that only the trial court shall be presided over by a Muslim, and it does not take into consideration the fact that an appeal may lie to the High Court, or perhaps in certain cases an appeal may even go up to the Judicial Committee of the Privy Council. I feel that from that point of view the amendment before this House is defective and for that reason I may not be in a position to support it. But I want to make it clear that to attribute to us the idea that we suspect non-Muslim Judges or we distrust them or we consider them mentally and intellectually incapable of understanding the Muslim law is far from the fact and let that be clearly understood.

Mr. M. Asaf Ali (Delhi: General): I welcome the statement which my Honourable friend, Syed Ghulam Bhik Nairang, has made, because it clears the atmosphere so far as the question of any suspicion is concerned. I am very glad that he has made it clear that no Muslim who is supporting this particular amendment entertains any distrust of non-Muslim Judges, and that disposes of one point. If I may recall my original speech on the Bill when it was first considered, I made it clear at that time, that so far as my Party was concerned, we were not in a position to support the demand that is made in this amendment now. In fact, this amendment is only an attempt at restoring what was decided by the Select Committee to drop altogether. (Interruption.) The same idea is introduced now with certain modifications. The reason why our Party at that time was not prepared to support the original provision that was sought to be introduced into this Bill was partly the implication which such a principle would, unfortunately, bring into existence, namely, the distrust of non-Muslim judges and partly the administrative difficulties pointed out in almost every opinion, at any rate, in a majority of the opinions which had been received from the various provinces. Muslim Judges, Muslim associations, and various other organisations had considered that part of the Bill and had come to the conclusion that it would entail a number of difficulties. Then, we were also assured at that time that if this particular provision in the original Bill was dropped there would be no very great objection. As far as I can see, my Honourable friend, Syed Murtuza Sahib Bahadur, has introduced this amendment today with a view to asserting a certain principle which he thinks he must. In so far as that object is concerned, I have every sympathy with him, but, unfortunately, this amendment is not likely to receive either the support of Government or the support of my Party, in which case it is quite obvious that it would not be worthwhile pressing it to a division. My Party, unfortunately, cannot support the amendment.

Sir Syed Raza Ali: Sir, let me repeat, and let me repeat as emphatically as I can, that there is no desire on the part of any one of us that a provision should find place in the Statute Book which would imply a distrust of non-Muslim judges. I am sure that every Member of the House, whatever his political complexion may be, reposes perfect confidence in the integrity of the Indian judiciary, irrespective of the faith to which the Judges might belong. Does my Honourable friend, Syed Murtuza Sahib Bahadur's amendment seek to create any invidious distinctions between judges and judges on the ground of the faith which they profess or to which they belong? If I may go a step further than what my Honourable friend, Syed Ghulam Bhik Nairang, has done, I would take this House into our confidence and place our difficulties before them. It is not a capricious amendment that has been moved by Syed Murtuza Sahib Bahadur in a non-responsible manner. We have our own difficulties and some of those difficulties are very great. Let me place before this House the main difficulty with which we are confronted, and if the Congress Party think that that difficulty is a real one and is of such a nature that they should help us to minimise the effect of it, may I hope that they will extend to us a helping hand? The principle on which the Bill is framed is this. There is nothing in the Bill which goes against any express or implied text of the Koran. No Muslim can, of course, be a party to a measure of that character. We have taken very great care to see that none of the texts of the Koran are contravened, but the second difficulty which we had to face was this.

The Muslims are divided into a number of, what for the absence of a better term I might say, either sects or sections of a sect who follow the authority of eminent Muslim jurists. Muslim jurists, especially the four well-known Imams and their disciples, have taken different views on certain questions relating to divorce. We have taken care to see that in enacting the provisions of this Bill we should not be defying the authority of all the Imams. What we have done is this. In the case of a conflict of opinion between certain Imams, we have followed the particular opinion of the Imam whose views are in consonance with the opinion of modern society. That is what we have done and I think I can safely say that there is no provision of the Bill for which authority cannot be quoted from one or other of the illustrious Imams. Nobody can say that the clauses of this Bill go against the provisions of Muslim law. But we are having our own difficulties. Our learned men (Maulvis) have visited most of the Muslim Members of this House in very large numbers and they have expounded the Muslim law in their own way, as is the way with the Maulvis. Already objection has been taken to this, that or the other provision of the Bill. In fact, the advice that has been so freely showered upon us is so profuse and is of such a conflicting character that, if we had listened to all those who have given this advice, I am afraid there would be absolutely nothing left of this Bill. So, we have taken very great care to exercise our own judgment and to see that no clear provision of the Muslim law is contravened; but there is one difficulty and that is the difficulty which my friend, Syed Murtuza Sahib Bahadur, is trying to remove. It is this—that for the reasons briefly summarised by my Honourable friend, Syed Ghulam Bhik, the unanimous view of the Muslim jurists is that the court which tries a divorce case must be presided over by a Muslim judge. It may be fortunate for us or it may be unfortunate for us but the fact remains that

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that is the unanimous view of all sections and all sects of the Muslim faith. I am sure my Congress friends will realise our difficulty. There is absolutely no desire on the part of any one to make any distinction between judge and judge on the ground of his faith. We have implicit confidence in non-Muslim judges exactly in the same manner as we have confidence in judges belonging to the Muslim religion but how are we to get over this difficulty? The Leader of the House mentioned certain difficulties. He said: assuming that the trial judge is a Muslim, the main difficulty will not be removed because, in any case, it may be that the judges of the appellate court will be non-Muslim. We quite realise this and we have waived the point. We say nothing about the need of the judges of the appellate court being Muslim but so far as the trial court is concerned, our difficulty is that all Muslim jurists are agreed that they should be Muslim. I will appeal to the Congress Benches as also to the Government to see. . .

Mr. M. Asaf Ali: You might appeal to the Government.

Sir Syed Raza Ali: I put the Congress first and then the Government. Nobody need take any offence so far as that goes. I appeal to both.

Mr. M. Asaf Ali: The difficulty is that Government would not support the Bill in case this amendment is pressed. Therefore, you might appeal to them.

Sir Syed Raza Ali: Government say all sorts of things from time to time, but I do not think my learned friend takes any serious notice of what the Government say. If that is so, let him come over to us. It is said that if this amendment is carried, it will give rise to administrative difficulties. Surely this Bill is not like the law of the Medes and Persians. It may have to be amended in a year or two. Judging from some of the provisions of the Bill, it will I think have to be amended. Therefore I appeal to the Treasury Benches and also the Congress Benches to help us and see whether without sacrificing any principle they cannot help us in this matter. If they do help us I am sure we can find a way out of the difficulty and those practical difficulties which are likely to arise can be got over in course of time. I support the amendment.

Mr. Abdul Qaiyum (North West Frontier Province: General): Sir Syed Raza Ali has asked the Congress to support this amendment. I am sure, he knew from the very beginning that the Congress Benches did not approve of this particular amendment. We have to judge every amendment on its own merits. If the amendment had been a right and a proper one, we would certainly have accepted it and supported it. When we find that an amendment is inherently wrong, surely we cannot support it. It has been argued that it is not the intention of the Honourable the Mover to make any invidious distinction against non-Muslim judges. I have no grounds for disagreeing with that assertion but, at the same time, we have to see the effect of this amendment. If this amendment is brought on the Statute-book it will certainly mean an invidious and uncalled-for distinction between Muslim and non-Muslim judges. There is no denying that fact. I very patiently heard the arguments of the Mover of this amendment and

its supporters. Beyond merely saying that that was the opinion of Muslim jurists, they did not cite any Qoranic texts or any principle of Muhammadan law which is binding on Mussalmans, whereby every Muslim is bound to vote in support of such an amendment. Now, Sir, Muslim law is a very simple law, and it has been made even more simple by this Bill. It has been so clearly codified in this short and concise Bill that I do not think any difficulty can arise, if non-Muslim judges have to interpret questions of Muslim law. After all we have so many divisions in this country. We have carried these divisions even to the extent of the food we eat and the water we drink. On Railway platforms we hear the invidious and heart breaking cries of Muslim water and Hindu water and Muslim food and Hindu food. I think it would not be proper to import this distinction into the realm of legislation, not even in such a question as to whether a suit can be tried by a Muslim judge or by a Hindu judge. I think, Sir, that, so far, Muslim judges have given a very good account of themselves in interpreting intricate questions of Hindu law, and likewise Hindu judges have given able judgments upon Muhammadan law which can be of great help in the interpretation of Muhammadan law. Therefore, I think that my Honourable friend, Maulvi Syed Murtuza Sahib Bahadur, would do well not to press this amendment to the vote. I fail to see any force in the arguments which have been advanced in support of this amendment, and I hope that since we have come to an agreement on many other clauses of the Bill, we shall not wrangle over this amendment. Sir, I oppose this amendment.

Mr. M. Ghiasuddin (Punjab: Landholders): Mr. President, at the outset, I wish to make it clear that, as far as my own personal feelings are concerned, I think we should not press this amendment to a division. But that is because we know that the whole Bill will be damned, and it is a very useful Bill, and in order to get this Bill through, I think we should not press this amendment to a division, but, at the same time, I would like to put before the House the point of view of those Mussalmans who are supporting this amendment. Sir, I would ask the House to judge of the question simply as a question of conscience. Now, we are legislating for the benefit of Muslim woman. Supposing there is a Muslim woman and her husband is a brute. She wants to get rid of him. She comes before the court and the presiding officer of the court happens to be a Hindu. It will be said that he knows Muslim law and all that and this woman tells her story and he grants a decree in her favour and the marriage is dissolved. But, at the same time, this woman may feel that she is not properly divorced and she will be having a quarrel within herself and she will say, although in the eyes of the law she is a free woman but she is not a free woman in the eyes of God and so at the time of re-marriage her conscience will stand in the way. That is the point of view of conscience from which I want the Honourable Members to look at this matter. I know there are administrative difficulties, I know there are legislative difficulties, but we are not making an invidious distinction against non-Muslim judges: it is because we are giving this relief to these women, well, let them take this relief with a clear conscience and that is the point of view I wish to put before the House. Otherwise, I am not opposed to the point of view of my Honourable friends on the other side. I do not think that we should press this amendment to a bitter end, but I do hope other Honourable Members will appreciate our point of view.

Maulana Zafar Ali Khan: Sir, I am sorry I will have to speak out my mind. What pained me most was the speech made by my Honourable

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friend, Mr. Abdul Qaiyum. Speaking on behalf of the Congress, he might have indulged in all sorts of eloquent sophistries, but this is a purely Islamic question, it is purely a question in which the traditions of Islam are concerned. Sir, my friend went so far as to say that my Honourable friend, Syed Murtuza Sahib Bahadur, and those of his way of thinking had not adduced a single argument which had the sanction of the Koran. Well, let me point out

Mr. Abdul Qaiyum: On a point of personal explanation

(The Honourable Member did not give way.)

Maulana Zafar Ali Khan: Let me point out what the Koran says:

"Fala wa Rabbika la Yomenoona hatta Yuhakkemuka fima Shajara bainahum."

"O Muhammad! Verily those Mussalmans are not faithful who do not submit their disputes to Thee and then abide by Thy judgment."

(Interruption.) Sir, this is a matter of divorce. It is purely a family affair governed by personal law. My Honourable friend, Sir Nripendra Sircar, was cut to the quick when he said that Syed Murtuza Sahib Bahadur was casting aspersions upon the honesty and integrity of non-Muslim judges. I feel, Sir, that that is not so. Sir, a non-Muslim judge is not expected to be initiated into the intricacies of the personal law of Mussalmans. All I wanted to point out was that a non-Muslim judge may have the capacity to understand everything, but naturally he does not take an interest in a matter such as this to the extent to which a Muslim takes that interest. For instance, Sir Nripendra Sircar does not know how many genuflections are there in two *rakats* of the Muslim prayer and so on and so forth, but this is not casting any aspersions on his honesty and integrity. A Muslim judge knows all that and he can feel sympathy with the situation in a way in which a non-Muslim cannot. My friend, Syed Murtuza Sahib, says that in these matters a Muslim judge alone can really say what is right and proper and he is a naturally fit person. There is, however, no question of casting an aspersion upon a non-Muslim judge.

Sir, unfortunately, in this country, we are placed in such a predicament that we have not the power over the overwhelming majority of adverse votes but it is not a question of votes merely. The real difficulty is this. The Congress people think that in India there is only one nation, one *jat*, but the Mussalmans think that there are two nations, the Mussalmans and the Hindus. Now these two nations cannot coalesce but may co-operate with each other. We Mussalmans are out to create an environment in this country in which we shall live the life of a true Mussalman under the laws of the Koran, and if you do not acknowledge that right, then of course there will be a struggle. With these few words, I would point out that Syed Murtuza Sahib's amendment is a very simple one. It does not want to tax your generosity and your magnanimity and your sympathy with us. It demands what is due to us. I support it but if you do not lend your support to us then you will have to go to a division and certainly we will fight to the bitter end.

Honourable Members: The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the question be now put."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): 'The question is:

"That after clause 6 of the Bill, the following new clause be added :

'7. A Muslim Judge alone shall take cognizance of cases under this Act, and in respect of cases arising in a District where there is no Muslim Judge the case shall be tried by a Muslim Judge to be specifically empowered by the Provincial Government to tour about and try such cases'."

The Assembly divided:

AYES—16.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Bhutto, Mr. Nabi Baksh Illahi Baksh
Essak Sait, Mr. H. A. Sathar H.
Fazli-Haq Piracha, Khan Bahadur
Shaikh.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.

Murtuza Sahib Bahadur, Maulvi Syed
Nauman, Mr. Muhammad.
Rafuddin Ahmad Siddiquee, Shaikh.
Raza Ali, Sir Syed.
Siddique Ali Khan, Khan Bahadur
Nawab.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.

NOES—82.

Abdul Hamid, Khan Bahadur Sir.
Abdul Qayyum, Mr.
Abdur Rasheed Chaudhury, Maulvi.
Aikman, Mr. A.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Ayyar, Mr. N. M.
Bajoria, Babu Baijnath.
Bajpai, Sir Girja Shankar.
Banerjee, Dr. P. N.
Basu, Mr. R. N.
Bewoor, Mr. G. V.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Mr. Govind V.
DeSouza, Dr. F. X.
D'Souza, Mr. F.
Gadgil, Mr. N. V.
Gidney, Lieut.-Colonel Sir Henry.
Gorwala, Mr. A. D.
Griffiths, Mr. P. J.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Hardman, Mr. J. S.
Jawahar Singh, Sardar Bahadur Sardar
Sir.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Kamaluddin Ahmed, Shams-ul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lalchand Navalrai, Mr.
Lillie, Mr. C. J. W.

Mackeown, Mr. J. A.
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Manu Subedar, Mr.
Maxwell, The Honourable Mr. R. M.
Menon, Mr. P. A.
Menon, Mr. P. M.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Mukerji, Mr. Basanta Kumar.
Nur Muhammad, Khan Bahadur Shaikh.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Raghunath Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Rao, Mr. M. Thirumala.
Row, Mr. K. Sanjiva.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Scott, Mr. J. Ramsay.
Sham Lal, Mr.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Sircar, The Honourable Sir Nripendra.
Sivaram, Rao Sahib N.
Spence, Mr. G. H.
Sri Prakasa, Mr.
Staig, Mr. B. M.
Stewart, The Honourable Sir Thomas.
Subbarayan, Shrimati K. Radha Bai.
Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Thomas, Mr. J. H.
Varma, Mr. B. B.
Zafullah Khan, The Honourable Sir
Muhammad.

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, I move:

"That the Bill, as amended, be passed."

Sir, while moving for the consideration of this Bill, I gave expression to my feelings of gratitude to the Honourable Members of this House, and specially to the Leader of my Party, the Leader of the Opposition and I want now to say a few words about the help that we have received from the Government Members and Bhai Parma Nand. The Honourable the Law Member has been very accommodating and helped us with his legal talents and accumen. The Honourable the Home Member reposed full confidence in our proposals and had no hesitation in accepting the agreed propositions. The Honourable Sir Muhammad Zafrullah Khan has helped us very considerably in improving the Bill and making it a satisfactory measure. My Honourable friend, Bhai Parma Nand, is to be thanked for the liberal-mindedness and toleration with which he acted at the time of the motion for reference of the Bill to the Select Committee. He was the first who welcomed my suggestion to the amendment of the old clause 5 which has made it acceptable to the House. He gave a lead in the matter and is responsible for rendering the passage of the Bill easy in the House. Whatever may be his later attitude, I have always felt that his genuine attitude was the one which he exhibited on the 26th August, 1938, and here we never attached much weight to the half-hearted protests that he has made to some clauses of the Bill later on. Placed as he is,—I appreciate his difficulties—his protest was only natural.

Mr. President (The Honourable Sir Abdur Rahim): The House will now adjourn for Lunch and the Honourable Member can continue his speech after Lunch.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Qazi Muhammad Ahmad Kazmi: Sir, when we adjourned I was giving expression to my feelings about the attitude of Bhai Parma Nand. Now that Mr. Bajoria is here I have got to thank him for his blessed absence during the course of the discussions on the first and second reading of this Bill. I feel that we have been deprived of the pleasure of hearing something novel and reactionary which he is in the habit of saying against every progressive measure which comes before the House. But now that he has come, I think, we will not be sorry for his exposition of Muhammadan law and opposition to this measure. In the end, Sir, I have to thank the Honourable Members of this House through whose co-operation and indulgence,—indulgence specially of the Leader of the Congress Nationalist

Party,—we have succeeded in producing a measure which will apply to all Mussalmans. This is probably the first attempt to consolidate the law for all sects in at least one of the departments of Muslim law. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

“That the Bill, as amended, be passed.”

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, this is probably the first occasion on which I am going to trouble the House with a speech on the third reading of a Bill, but I feel I ought to make some observations at this stage of this Bill not for any formal reason but because this Bill does mark an important stage in the development of Anglo-Muhammadan law; that is to say, the system of Muslim law which is applied to Muslims in certain matters in this country. Sir, it is unfortunate that the development of Muslim law in this country has been arrested by the courts firmly laying down that they will accept no interpretation of any part of Muslim law which has not been recognised in the ancient text-books on Islamic jurisprudence. Now, as a broad general proposition, there may be no objection to this. According to Muslim ideas it should not be open to everybody to suggest fresh interpretations and then to invite the courts to enforce those interpretations. But even where research has disclosed that the interpretation at one time accepted by the British Courts in India is not the correct interpretation and that there is a good deal to be said in support of a different interpretation, the courts have steadily refused to accept any such interpretation. It is due largely to that attitude of the courts that a Bill of this kind became necessary.

Sir, I am very much gratified that it has been found possible to consider this measure expeditiously in this House and to pass it in a form in which it is acceptable generally to the Muslim community. There are one or two features of this Bill which the Muslims desired to see improved. But nobody can hope to achieve perfection in these matters at the first attempt.

Sir, the outstanding merit of this Bill is that it puts down, in the space of one printed page, the various grounds on which divorce may be obtained by a woman married under the Muslim law. This is a matter the lack of which has, in the past, caused a great deal of distress and misery and suffering in India. Whereas, in Muslim countries, the various grounds for *khula* are freely recognised and *khula* is freely granted,—*khula* means divorce obtained at the instance of the wife,—this doctrine was practically unknown in British India and was here confined to the narrowest possible limits. As I have said, this Bill defines the grounds on which *khula* may be obtained by a married woman under the Muslim law in very definite, clear and precise terms and I cannot imagine that any judge, whether he is a Muslim or a non-Muslim, could have much room left for doubt with regard to them. There may be a dispute with regard to the facts in any particular case,—that is inherent in every litigation,—but I do not think there can now be much doubt with regard to the grounds upon which divorce is permissible under the Muslim law. That is the chief merit of this Bill.

Another satisfactory feature of the Bill is that it clearly defines the limits of *khyarul Bulugh*, viz., the option of puberty. I will not enter into the question whether those were right who thought that the option of puberty should not be permissible in cases where a minor has been given

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away in marriage by her father or paternal grandfather, or whether those were right who thought that the option ought to apply to all cases where a minor has been given away in marriage by her guardian, be that guardian be the father or paternal grandfather or any other relation. At any rate the courts now have a sure guide on this aspect of the doctrine also. But my satisfaction relates more to that part of the clause which puts this matter on the ground of age rather than on the ground of minority or puberty with regard to which I said the other day that if the clause had been cast in that form it would have necessitated evidence in court of a character which, to say the least of it, would have been immodest. Therefore, I think, that the clause is a great advance on the definition of the doctrine as recognised at present in the British Courts.

Then, the clause which deals with the effect of apostasy on marriage, the main clause at any rate, gives great satisfaction to the Muslims. They have, throughout, felt that the doctrine of the Muslim law applicable to quite a different set of circumstances, that is to say, to treason as such against the state, had, through misinterpretation and misapplication, been applied in this country to marriage; and we are indeed gratified that that has been set right. Some objection has been taken to the proviso added to the clause, but then that has been done by agreement between different sections of this House and, therefore, that should be no reason for dissatisfaction.

I now come to the clause which was dropped in the Select Committee but was sought to be made part of the Bill again this morning. I do wish that such Muslim Members of the House who were keen on that clause should not leave the House today after this Bill is passed by the House, as we hope it will be, with any sense of frustration or irritation over that matter. So far as I am personally concerned, I venture to think, in regard to the principle of the clause, that there is not much ground for objection to it. Let me state my own attitude towards it in this way. I look upon—and I think generally every one looks upon—a Muslim marriage as a contract, but a contract of a religious kind. I do not think it was alleged by anybody that it was a sacrament in the sense in which that expression is ordinarily understood; and being a contract of a religious kind, considerations of a religious kind enter into its celebration as well as into its dissolution. When it is asserted that a Muslim marriage should be celebrated only by a Muslim, could it be said that Muslims are giving expression to some kind of doubt or suspicion of non-Muslims? I am sure nobody will urge that. The celebration of a marriage among the Muslims is a very simple matter, all that has to be done is to ascertain the consent of the parties and to declare that they have consented to the marriage and it is most desirable that this should be done by a Muslim, preferably by somebody who is well versed in Muslim religious lore. I do not think anybody could take objection to that, though it is only the announcement of the contract at the time that it is entered into. So far as the principle is concerned, I think it is equally desirable, that if it were possible and feasible and practicable, the desire of Muslim Members that where the question of dissolution arises the dissolution also should be pronounced by a Muslim Qazi should be met. Who will deny that in determining these matters, if it were possible that the matter should be determined by somebody who has been trained in the principles of Muslim jurisprudence—who can deny that if that were possible

in each case, it would be a desirable state of affairs? And to the extent to which Honourable Members urge that it would be desirable that that should be so and that that would be an ideal state of affairs, one has every sympathy with them; but the trouble is that the matter does not stop there. The question is whether in practice it is possible to accept this principle and to give effect to it: and situated as we are I am afraid it is not at all practicable to give effect to this desire. I do not think there was any kind of hostility displayed towards the mere desire that these matters should be determined in each case by people who have been trained in the principles of the particular system of law which may be applicable to a particular case.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): All judges are trained in all jurisprudence: at least that is the assumption.

The Honourable Sir Muhammad Zafrullah Khan: I was about to point out that if the desire was merely that suits of this description should be tried by Muslim munsiffs and subordinate judges and district judges, I do not think that in itself would have been any particular gain: For this reason: as has been pointed out by Mr. Satyamurti, all judges in this country are trained upto a certain point in the principles of the systems of law which they are called upon to administer. No doubt it is desirable that these matters arising out of a personal law should be administered by people who are well versed in the principles of that personal law; and, therefore, it may be that there was some confusion between a Muslim judge as such, that is to say a Subordinate Judge or a District Judge appointed under the present system who happens to be a Muslim and a Qazi who has been trained in the principles of Muslim law and who would ordinarily possess a much deeper knowledge of Muslim law than British Indian judges whether Muslims or Hindus or Europeans ordinarily possess. If that was the feeling, then I beg to point out that there should be no disappointment that the clause which was sought to be put into the Bill did not become part of the Bill, because from that point of view there would really not have been very much of an advance in the matter. Even if the clause had been accepted a case of this description might well go to a Muslim judge who is not as deeply conversant with the principles of Muslim law as a non-Muslim judge to whose court the case might otherwise have gone if there had not been this condition laid down in the Bill; and, therefore, if it was only a question that it is desirable that these matters, ordinarily, should be determined by judges who are well versed in the principles of these systems of law, I have every sympathy with that desire; though in practice, it would become impossible to give effect to it. But if it was sought to be argued that it was essential under the Muslim law that a decree of divorce should be pronounced only by a Muslim judge, then I am afraid the position would become very difficult and a strict enforcement of this doctrine might lead to most undesirable consequences. Let us look at the past. As I have said, grounds for divorce at the instance of the wife have been recognised in Anglo-Muhammadan law, though on a very narrow basis. Nevertheless some have been recognised and decrees of divorce have been pronounced on the basis of those grounds and they have, in the past, been pronounced in many cases by non-Muslim judges. If we say that a decree of divorce pronounced by a non-Muslim judge is not a valid decree in the eyes of Muslim law, then we are faced with this difficulty, that during the course of almost a century decrees of divorce pronounced by non-Muslim judges

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have been accepted as valid and the lady who has obtained a decree pronouncing dissolution of her marriage has been at liberty to remarry and she has remarried in many cases and there has been issue of these subsequent marriages. If we say today "No, the decrees pronounced by non-Muslim judges cannot be recognised as valid under the Muslim law", we shall be casting stigma of illegitimacy upon innocent people and may be laying the foundations of widespread and complicated litigation. That is only one of the difficulties to which one might draw attention.

As I have said, if it were a question of Qazis being appointed to administer certain parts of the Muslim personal law or Pundits being appointed to administer certain parts of the Hindu law, that would have been a different matter; but I do hope that Muslim Members who may have felt some disappointment this morning on account of this amendment being lost will try to re-assure themselves that the adoption of this clause would not have carried the matter any further from their point of view. The practical difficulties in the way of its being given effect to were pointed out clearly this morning by the Honourable the Law Member. Sir, let us hope the general feeling will be that the House has helped in placing on the Statute-book a measure which is a great advance upon the Anglo-Muhammadan law as interpreted by the courts of this country, and that the Muslims will feel particular satisfaction at the fact that this Bill brings the practice of the Muslim law in this country into conformity with what has been recognised throughout as the correct interpretation of that law on the subject dealt with in this Bill.

Lastly, Sir, it is a matter for particular gratification that, so far as at least I am aware, and as has been pointed out by the Honourable Member to whom the largest part of the credit for this measure must go, I mean Mr. Kazmi,—this is perhaps the only piece of legislation and the only section of Muslim law which will apply to all Muslims alike, irrespective of the School of Jurisprudence for which they may profess a preference. Sir, there is no distinction here between Hanafi and Shafai, between Maliki and Hambli, there is no mention even of Shia or Sunni.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, there is an amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta): That seems to be a consequential amendment, and it is quite permissible. The Honourable Member can move it.

Mr. Muhammad Azhar Ali: Sir, I move:

"That in clause (c) of the proviso to clause 2 of the Bill, for the brackets and figure '(vi)' the brackets and figure '(v)' be substituted."

This is a consequential amendment, and I hope the House will accept it.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That in clause (c) of the proviso to clause 2 of the Bill, for the brackets and figure '(vi)' the brackets and figure '(v)' be substituted."

The motion was adopted.

Shrimati K. Radha Bai Subbarayan (Madura and Rannad *cum* Tinnevely: Non-Muhammadian Rural): Mr. Deputy President, I rise with pleasure to support the motion moved by my Honourable friend, Mr. Kazni, as I feel that this Bill recognises the principle of equality between men and women with regard to marital rights. It has been stated here and outside that though the Islamic law lays down this principle, in actual practice, in several parts of our country, it is ignored to the disadvantage of women. It was heartening, most heartening, to me, Sir, to hear my Muslim colleagues condemn this state of affairs and advocate that justice should be done to women and that women should have the right to claim divorce on the same terms as men. May I express the hope, Sir, that my Honourable friends on my left will continue to be guided by this sense of justice and fairness with regard to all matters affecting women that may come before this House.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadian Rural): Bring forward a Purdah Bill for men now.

Shrimati K. Radha Bai Subbarayan: Sir, this Bill in its original form rather perturbed me, because I felt that some of its sections were liable to be interpreted in a manner unfavourable to women, but I am glad that the Select Committee have made vast improvements in the Bill, and I congratulate the Honourable Members of that Committee on the result of their labours. Here, I feel I must express my regret, that certain alterations were made in clause 2, particularly in sub-section (ix) of clause 2 relating to the age of the girls. My Honourable friends on my left will pardon me if I say that, as a woman who can understand and appreciate the feelings of all women, no matter to what community or class they belong, I feel that these changes are definitely reactionary, and I sincerely regret that they have been introduced, but I do not want to labour this point now.

I too, Sir, should have liked to see some further improvement in this Bill. I would mention that Clause 1 of this Bill rather worried me, but I did not send in any amendments, as I did not wish to give rise to any controversy which would endanger the passage of the Bill. I felt that I should not in any way obstruct this useful measure from being placed on the Statute-book as early as possible, particularly because I hope it will be a beginning for all progressive measures with regard to women.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadian Rural): Mr. Bajoria should please mark this; his days are numbered!

Shrimati K. Radha Bai Subbarayan: I think it is my duty to mention in this connection that certain fears and doubts have been expressed to me by women, Muslim and non-Muslim, with regard to this clause, but I earnestly hope,—and I am sure the House will share my hope,—that in practice these fears and doubts will be found to be needless and that no hardship or suffering will befall any Muslim wife who wants to change her faith.

Sir, the Bill, on the whole, is a very useful measure as has been pointed out by the Honourable the Mover and also by the Honourable Sir Muhammad Zafrullah Khan. It definitely raises the status of women and

[Shrimati K. Radha Bai Subbarayan.]

recognises their individuality, and what my friend, Dr. Deshmukh, would call, human personality. I am sorry he is not here today, and if he were present here I think he would have found encouragement in this atmosphere. I congratulate my Honourable friend, Mr. Kazmi, on introducing this Bill, and, what is more important on getting it passed in its present improved form. This Bill, as I said before, has made a good beginning in the matter of reform of marriage rights, and I trust this will be followed by other measures on similar lines. Personally, Sir, I wish most sincerely and earnestly that we had one common national law with regard to personal affairs. After all, marriage is a common matter which concerns all people alike, men and women, of all communities and classes, and it is a pity that we should have different laws for different communities about it. But, under the present circumstances in India, I am afraid, Sir, this is a dream of individuals like me, but I hope better times will come. . . .

An Honourable Member: They will come soon.

Shrimati K. Radha Bai Subbarayan: However, I am glad, Sir, that this Bill recognises the urgency of the need to amend our existing laws to meet modern conditions. As Honourable Members are aware, there are certain measures based on similar lines awaiting the consideration of this House, and I do hope they will receive the same friendly and cordial co-operation and support as this measure has received from the House. I trust the day will come soon when this House with great pride and pleasure will place them on the Statute-book. In this connection, Sir, I feel I must say that we do a grievous wrong to the religion that we profess if we deny justice and equality to any section of our society in the name of religion. If marriage is a sacrament, it is a sacrament to all, to both parties; it must be binding on both parties, as I believe is the case with Roman Catholics. I hold that human life itself is sacred, and if both parties, the husband and the wife, recognise that human life is sacred, there would be no need for such legislation as this. But human life has its own failings, and unfortunately, these failings seem to grow stronger with the advance of time. When such is the case, it is absolutely necessary to introduce legislation to combat the harm that these failings cause among society. It is because of this that I urge the House to give its sympathetic consideration to and set its seal of approval on, the measures that will be brought forward in the near future. Sir, I support the motion of my Honourable friend, Mr. Kazmi, on this Bill.

The Honourable Sir Nripendra Sircar: Sir, I offer my congratulations to my Honourable friend, Mr. Kazmi, on his success in getting this Bill through. Now, there was a certain amount of interruption, but not knowing the trend of it, I cannot reply to it, but may I venture to point out to Mrs. Subbarayan the dangerous ground which she has been treading, and possibly, in spite of the equality between man and woman, she will not mind a mere man pointing out the danger? The Honourable Member's position was this. "You have done a good thing. You have given the right of divorce to Muslim women. Kindly remember that when I bring forward my Bill for divorce for Hindu women. You

have done justice to the women of the Muslim community. I am a protagonist of the Hindu women, and may I have your support?" That is the argument, and it is a very dangerous argument for this reason. What has this Bill done? This Bill has cleared up the mistakes and the misinterpretations which had gathered round the Muslim law. They have not tried to advance from the seventh century, but they are trying to show what was the law in the seventh century. I do not know how Mrs. Subbarayan would like if I took my stand on the Hindu Sastras and said: "Don't move. We were there four thousand years ago, and we must not move. We have only got to find out what was laid down four thousand years ago." That will be the logical conclusion of the argument which has found favour with Mrs. Subbarayan. I think there is a very short way out of the difficulty of Hindu women. Surely, if they become Muslims, they can enjoy the benefit of this law (Laughter), and in order that there may be an even handed measure, and to get the full benefit of this law, I should advise the lady to see that her beloved spouse is also converted.

I will not take more time of the House, especially as I found when I got up to offer my congratulations to my Honourable friend, Mr. Kazmi, that there was a certain amount of good humoured interruption which, unfortunately, was inaudible to me.

Bhai Parma Nand (West Punjab: Non-Muhammadian): I shall not take much time of the House in explaining my attitude with regard to this Bill. My Honourable friend, Mr. Kazmi, has showered compliments on me with regard to the share that I took in the success of this Bill. I thought that this shower was rather too heavy a burden for me to carry, but as those compliments have been paid in all sincerity by my Honourable friend, I am bound to feel grateful to him.

As regards my view of this Bill, I have to say that my position was that the Muslims have a perfect right to make any change or reform in their religious or social practices just as the Hindus have done in the case of the Sarda Act, and as even now we have Dr. Deshmukh bringing forward a Bill to deal with the right of divorce of Hindu women. The Muslim Members have full liberty and we Hindus have no right to interfere in their freedom except on one condition that this does not interfere with the religious freedom of the Hindus. The only condition that I laid down was that if this Bill did not interfere in the rights of Hindus then I should have no objection to the passing of this Bill.

When I moved my amendment I explained that formerly I had spoken as a Hindu. My Honourable friend, Mr. Kazmi, has however referred to me saying that I changed my attitude later on for certain reasons. I wish to convey to him that I did not in any way change my attitude towards the Bill. I stand on the same principle as that on which I stood in my first speech. But I was speaking as a Member of this House when I moved that amendment. The question before me even now is the same, whether apostasy or abjuration of Islam can be a real ground for dissolution of marriage of a married Muslim woman or not; I was greatly astonished to see that my Honourable friends up there and also the Government Members did not appreciate my point of view. I did not want to oppose the Bill in any way, but my amendment arose only from another reason that, as this Bill has provided some 19 grounds giving the right to

[Bhai Parma Nand.]

Muslim women to seek divorce—whether apostasy or abjuration of Islam can be one other ground or not. I was surprised to see that nobody else supported this amendment except my Honourable friend, Mr. Lalchand Navalrai. I am still at a loss to understand how that question can be solved. I would again put it to my Honourable friend, Sir Muhammad Zafrullah Khan, who was contesting that point. The question is, if a married Muslim woman gives up her religion, whether in that case her marriage remains valid or not. In another form, the question will be whether the marriage of a Muslim to a non-Muslim will be a valid marriage under Muhammadan Law. I pointed out, and this was contested by Sir Muhammad Zafrullah Khan, that according to Sir Syed Ameer Ali and others all sections of Muslims are agreed that on the abjuration of Islam by a married Muslim woman her marriage became null and void. One of the arguments advanced by the Honourable Sir Muhammad Zafrullah himself was that these conversions were not genuine and that the real object was to get rid of undesirable husbands and the conversion was simply made a pretext for that purpose, and, therefore, this should not be taken as the real ground for dissolution of marriage. The point, however, is, that even pretended conversion was taken to be a sufficient reason. It may be that the Muslims do not want it now. My point of view at that time and even now is that this law has been in operation for all this time in India and that the Muhammadans and the courts had accepted this as an established usage. The question is why this should be altogether ruled out now and apostasy should not even be considered as one of the grounds for seeking dissolution of marriage. When this question comes up before the court and the woman says that she has been converted to some other religion, the point for decision would be whether her marriage remains valid or not. 19 remedies have been provided for the woman to seek divorce and why should this one remedy, which has been recognised by the courts and Muhammadan society all these years, be excluded altogether.

An Honourable Member: I do not think it has been excluded.

Bhai Parma Nand: Yes, in one clause it is said 'for some other cause recognised in Muslim law', but I say why not say plainly that apostasy is one of the causes for the dissolution of marriage.

My Honourable friend, Sir Muhammad Zafrullah, said that according to old Muhammadan jurists, a woman who abjured Islam was charged with treason, she was put in prison or put to death. If the abjuration of Islam, amounted to treason, how could she remain married to her Muslim husband? When Islam came to India, the judges did not see any other course but this for Muhammadan woman to get divorce. Nobody then suggested any other ground on which the Muslim woman could get divorce. They took this as one great reason for divorce and, therefore, all cases of divorce were decided on this ground. Now, it is argued that this view of Muslim law was not correct. Right and wrong are relative terms. Dr. Deshmukh is going to propose his Bill for the divorce of Hindu women. He is quoting his authority just as Sir Muhammad Zafrullah Khan quoted authorities from old Muhammadan law. He also says that in Parasara Smriti there are three or four grounds on which a Hindu woman could get divorce. It may be an old religious view or it may not be. The point is what has been the practice and usage all these thousands of years. The

usage has been that Hindu society does not allow divorce. Now the question will be discussed on its merits, irrespective of what the Smritis say. Similarly, in the case of Muslim married women, no other ground was taken or followed with regard to divorce. The woman could not exercise that right at all. Only men could do it. Now, my friends want to take quite another course. I have no objection. It is their look out and they are welcome to take it. But I cannot understand why this old custom which has all along been accepted by Courts and Muhammadan society which is termed Anglo-Muslim Law by Sir Muhammad, should be set aside.

My friends leave apostasy a moot question. The question will again come before the courts, whether the abjuration of Islam is a sufficient cause for dissolution of marriage or not? My friend, Sir Syed Raza Ali, said that besides Islam there are certain sects which are unitarians and marriage with persons belonging to them is permitted. But suppose the Muslim woman is converted to a faith where she begins to worship an idol. The question will be for the courts to determine whether in that case she can be the valid wife of the Muslim husband or not. I wanted the position to be clarified. I am surprised to see that this ground of apostasy had been altogether left out. I was charged with having changed my attitude. The fact is that I have not changed it. I still maintain the same attitude. If my friend, Mr. Kazmi, thinks I have changed my attitude, I cannot help it. I hold that it is the business of Mussalmans themselves to make any change in their religion they like. We do not want to oppose them and in the same way I expect Muslims to remain neutral when purely Hindu questions are discussed. And now that the matter is practically over, I have only to congratulate my friend, Mr. Kazmi, on the success of his Bill and also express my gratitude for the kind words that he has used towards me.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): I should like to start my observations by referring first to what Bhai Parma Nand has said, because it is fresh in my memory and I may forget it afterwards. My friend has misunderstood this Bill. The law, as far as the Muslim man is concerned, is quite obvious. There was no necessity to legislate regarding a Muslim man divorcing his wife. It was only that doubts were expressed in certain quarters that the law as administered in British India is not in strict conformity with the Islamic law as far as women are concerned. The provisions of this Bill are the result of Muslim law being consolidated into one Bill embodying all grounds on which women can seek divorce under certain conditions and they have been laid down. My friend, Bhai Parma Nand, says that the woman must seek a divorce on account of her own action. Here, what the Bill says, is that she can seek a divorce on account of the actions of her husband. There is the difference of principle. The whole Bill lays down that if the husband fails to do certain things in a particular manner, then the wife has got the right to seek a divorce; while Bhai Parma Nand says that, without any fault of the husband, without any action of the husband, if the wife changes her religion, therefore, she also should have the option to get a divorce. That means placing a power in the hands of the wife on account of her own action to punish the husband; though the husband is still loving her, though the husband still wants to treat her very well, she can give no other cause but simply says, "I have changed my religion, therefore, I will leave you", . . .

Bhai Parma Nand: The point is whether you permit her to change her views. Whether you give that power, that religious freedom, to women, or not, I want that to be made clear in this Bill.

Sir Muhammad Yamin Khan: Sir, the law is quite clear on this point. The law has said that a mere change of religion will not *ipso facto* dissolve the marriage. Mr. Santhanam's amendment has made it quite clear that in spite of her having changed her religion, and no longer being a Muslim woman, because after the change of faith she cannot call herself a Muslim woman, she could, in spite of that fact, seek for divorce on one of the grounds that have been mentioned in this Bill. Therefore, that law, as far as this point is concerned, is perfectly clear and there will be no doubt in the minds of the courts who will administer this law. Well, I leave that point there.

Sir, I thank Mrs. Subbarayan for the very nice speech which she made in support of this Bill, and I am sure that Mrs. Subbarayan will not be deterred in her anxiety to improve the Hindu law in spite of the speech which has been made by the Honourable the Law Member on this point. Sir, my friend tried to show that some other evil consequences might follow according to the arguments which he adopted but I hope she will meet all those other consequences too when she brings legislation for the emancipation of Hindu women in this respect. I think, as in fact my Honourable friend, Mrs. Subbarayan says, this law which is now consolidated into one law is behind no other country's law. This law is as much advanced as you will find in any other advanced and progressive country. Therefore, I think that there will come a time when it will become not only a Muslim law but it will be called the law of this country. This will be applicable to the Muslims, to the Hindus, and to the Christians also who choose to make India their home. Sir, this law certainly is consolidated into one law—the real Muslim law which is now distributed into so many different books, and that was called sectarian law up to now, but this law is the Muslim law and not of any sect; this law will be applicable to all sects of Mussalmans and no provision of this Bill goes against the provisions of the Koran or of any Hadis, and as I made a remark the other day, we will be quite prepared to make any change or bring any amendment in this law if ever we find that any provision is contrary to the provisions of the Koran. This explanation will repel any suspicion which might be lurking in the minds of the people outside this House. One point on which we had some controversy was about the jurisdiction and as to who should administer this law. I quite see the great difficulties which have been pointed out by the Honourable the Leader of the House that though the amendment which had been sought by my Honourable friend, Syed Murtuza Sahib Bahadur, went only as far as the original jurisdiction, there was no provision in that amendment about appeals. This difficulty is really a very intricate difficulty. My friend, Syed Ghulam Bhik Nairang, pointed out that really what the Islamic law wants is that the divorce must be pronounced by the husband, and if the divorce is to be pronounced by the husband, he can delegate this power of pronouncing the divorce to a person who is also a Muslim, and, therefore, the court which comes to decide whether the divorce should be pronounced or not or whether it should pronounce the divorce on behalf of the husband, that must be a Muslim himself, as the person who had brought about this tie of marriage was also a Muslim. This difficulty alone could have been very easily met; and even if we did

not make any provision in this Bill about the trial being conducted by Muslim judges, of course the Provincial Governments could easily be asked by the Mussalmans to appoint some persons and vest them with the powers of honorary Munsifs in each district. Certainly it will be very difficult in places like the Central Provinces or Madras or Orissa where the Muslim population is very, very small and the number of Muslim Munsifs will be so small that it cannot be expected in the interest of the woman herself that she should be running after a man who is transferred from place to place to get the case decided. That is a real difficulty but this difficulty could be easily met by delegating honorary Munsifs' powers to some people in every district who could try only divorce cases. If there are no Qazis and the Government thought that the power should be delegated to some senior members of the Muslim bar, that could easily be done.

The Honourable Sir Nripendra Sircar: On a point of information, Sir. Under what provisions of law will the Provincial Governments appoint Honorary Munsifs for trying cases under this Act?

Sir Muhammad Yamin Khan: I said that if we could make such provisions, the administration of the law would have become very easy.

The Honourable Sir Nripendra Sircar: This could be done by another Bill.

Sir Muhammad Yamin Khan: Yes, and not through this Bill. I said that that difficulty could be got over by means of some other measure. It is not an insurmountable difficulty.

Mr. Sri Prakasa: What will happen if more than one woman is running after the same Munsif?

Sir Muhammad Yamin Khan: My friend knows that very well. The real difficulty is as to what will happen about the appellate jurisdiction.

Mr. Deputy President (Mr. Akhil Chandra Datta): Is it open to us during the third reading to have a detailed discussion on individual clauses?

Sir Muhammad Yamin Khan: I am referring to this point, because it has been brought in by two Honourable Members of this House on the third reading. So, I had to point out what the difficulties are and how they can be got over.

Mr. Deputy President (Mr. Akhil Chandra Datta): Two wrongs do not make a right.

Sir Muhammad Yamin Khan: I am only saying that this is not very difficult. This difficulty of the appellate jurisdiction requires a thought and we are not very clear as to how we can meet this point. Before we can express any opinion, we will have to discuss the matter amongst ourselves as to what measure can be brought forward or adopted.

As far as the provisions of this Bill are concerned, I think two great improvements have been made in this law. First of all, the woman has the option of puberty if the marriage is contracted below a particular age. Up till now the Muhammadan law as it is administered in British India has left that point very vague. A woman could choose this option

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as soon as she had the first signs of puberty, but that did not define any age and it was a very difficult question for any judge to have given a decision on that point. Therefore, it was necessary that a certain age should be prescribed. I am sorry that the age has been reduced from 17 to 15 and I quite appreciate the view-point of Mrs. Subbarayan when she said that the age should not have been reduced. My views are similar to those held by her. Any girl who is married below the age of 17 does not understand anything about the marriage nor will she be able to understand as to what her future life will be and whether it is in her interests to remain as a wife of a particular man or not. But as there has been a consensus of opinion of the Muslim jurists and they are all unanimous that the age of 15 should be considered as the age of puberty in so far as the matrimonial questions are concerned, we have to bow to their verdict and accept the age-limit to be 15.

Sir, I will make one observation about the period which has been increased in sub-clause (ii) of clause 2 to four years in cases where the husband's whereabouts are not known. This period has been taken from the Malaki law. The Select Committee thought that two years were quite sufficient. When the Malaki law was in force, there were no such communications existing as they exist today. There were no telegraphs, no railways, no steamers, no aeroplanes and no radios and in those days four years was not considered to be a small period in which a man's whereabouts could be found. If a man in those days had gone on a tour of Asia or some other country, he might not be able to return in four years. But nowadays the period of two years is quite a long period and the period of four years that has been accepted in this House on account of the Malaki law is simply in order to satisfy those people who really think that the Islamic law should not be interfered with even if it had been interpreted in a particular manner years ago. These are the salient provisions of this Bill. The other interpretations are the ordinary ones. I do think this Bill is a great improvement on the existing law.

Mr. M. S. Aney: Sir, I heartily congratulate my friend, Mr. Kazmi, on the success he has achieved in carrying his Bill through, but I do not know whether I should congratulate the House at the same time. Mr. Kazmi has really done a great service to the Muslim women in pointing to them clear avenues for seeking a relief in cases where it was urgently needed. In cases where matters were more or less of a dubious nature, this measure, no doubt, makes the position perfectly clear and the way is now really open to them, in deserving cases, to apply for a divorce and get themselves freed from an intolerable position where unfortunate conditions in married life sometimes may land a woman. To that extent, he has done a service to them. But when I find my Honourable friends in this House congratulating each other and calling it as a progressive measure, sometimes I wonder as to what the word 'progress' really means. It is considered to be a progressive marriage law.

As far as I understand the progressive marriage law, it should be a law which would make the married life of the couple happier, longer and lasting to the end of the lives of both. Whenever we find a newly married couple approaching us, at least the Hindu way of giving them blessings is this:

'May you always live a married life and may you be happy with each other as husband and wife to the end of your life'. But it appears now that no marriage can be good or happy unless facilities are given to the couple at the same time to put an end to it in their life as many times as they choose. So, the creation of opportunities for ending the marriage is a *sine qua non* for looking upon it as a happy or progressive marriage.

These are the ways or the directions in which the ideas of people are moving and judged by that this House must congratulate itself upon having produced a very progressive measure. Sir, this is one thing. The second thing, which is in my opinion of great importance, is this. So far as the facilities for divorce for Muslim women are concerned, I had already made it perfectly clear in my very first speech which I made on the Bill that I was not opposed to it. There were only two clauses to which I took strong exception, about one of which there is no need to make any reference now. My main objection to this Bill now is confined to what is now clause 4 which is in a modified form and it is that it contravenes the principle of liberty which every individual male or female should have as regards changing his own religion whenever he wants to change it, that there should be no clog put on that liberty. That is one of the rights which has been recognised by the Government and it is the policy to which the Government is pledged. There have been Statute laws which decidedly recognise this principle. What this Bill even in its modified form does is this. This right of a woman to change her religion to a great extent, if not in letter or so many words, at least in spirit, has been virtually destroyed by denying her an independent status immediately as the change of religion takes place. Now, she cannot have a status independent of her husband immediately she changes her religion. It is the independent status which in my opinion she must get to preserve her liberty in this matter. That alone could give her freedom to change a religion as soon as she thinks that there is need for her to make a change of that religion. That was the position before this law came into existence. Apostasy was accepted as a proper cause for ending marital relation. Two can live together happily when they both belong to the same religion. But if one says 'my soul cannot be satisfied hereafter by owning allegiance to a particular religion or faith and I must embrace another religion' and if any conversion was brought about, it was considered that that in itself was a proper ground for declaring the marriage tie dissolved. My Honourable friend, Qazi Muhammad Ahmad Kazmi, was trying to find out some specific grounds for divorce but he was anxious to see that the one ground which was already existing was altogether done away with. He was not satisfied with the ground that existed. In his zeal to make the Bill progressive, as he calls it, he did away with the one ground which existed all along for divorce. After all, even amongst Muslims, it has been repeatedly said—I am generally prepared to accept what my Muslim friends say because I know very little of Muslim law and still less of Muslim usage—I believe my Muslim friends when they say that although marriage in form may be of a contractual nature, at the same time there is something of religious feeling in the marriage. It means that though marriage may be of a contractual nature yet really it is done with a view to lead a pious religious life. That is the idea of marriage. A man and a woman come together as husband and wife not merely for the secular happiness as such, but they do so in

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fulfilment of certain religious obligations and duties to be performed by them together.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

It is impossible to conceive that a married couple could jointly fulfil these obligations while each of them belongs to a different religion—the tenets of the one conflicting with those of the other. Each one can pursue his or her own religion, it is true. But there cannot be a married couple living together and fulfilling and discharging the religious obligations which it is said are the primary objects of a married life. If that is so, the ground of apostasy which was there was in conformity with this established idea of married life, and the ideals which the married life was expected to fulfil. I am sure you are doing away with that ideal altogether. Now, I want the House to consider whether this idea of living a combined and joint life with a view to fulfil certain joint combined obligations towards God or towards your religion, whether the destruction of an ideal like that is a progressive thing or a retrograde thing. I want you to consider whether the absence of the spiritual ideal altogether from married life, whether the taking away altogether of that ideal from married life, is really making progress towards the betterment of society or humanity or whether you are making humanity more sordid and more worldly. The other-worldly-outlook of marriage which was present there, even according to the ideas of my Muslim friends, is being altogether destroyed by the present Bill. That is why it was stated that while the husband follows one religion and the wife follows another religion, both of them cannot follow one and the same ideal of marriage and that was why divorce was allowed on the ground of apostasy. When that religious aspect is destroyed I wonder whether the society can be credited to be moving spiritually and progressively. The present ideal which is incorporated in the Bill is no doubt important to the sordid interests of the world. I want to put this question to my Honourable friends, particularly to those who take a serious view of human life and who take a spiritual outlook on life and who insist upon spiritualising even the most sordid activities of mankind like politics, are they justified in taking such a light-hearted view on the matter and in ignoring what some believe rightly to be a better ideal of married life and to which we have all been owing allegiance all this time. From this point of view, I feel that although my heart is full of admiration for the admirable tact shown by my Honourable friend, Qazi Muhammad Ahmad Kazmi, I do not know whether I should congratulate the House as a whole in giving their consent to that nasty provision which still remains there, in clause 4. Of course, we have now incorporated some exceptions there by which what was formerly a pure evil has been to some extent mitigated or diluted. I congratulate the Members of the Select Committee for, at least, having brought about that little reform and taken away some of the evil aspects of the original clause as it stood there.

I should like to touch upon another point. I look upon the attitude of Government in regard to social legislation as one of great importance not only to this House but to the country as a whole. The Government

of India, even now, in my opinion, are committed to a policy of non-interference with religious usages. It is true that the whole procedure of the Governor General's sanction with regard to the initiation of such pieces of legislation has no doubt been dispensed with and the introduction of such measures made very easy under the present Government of India Act, but that does not mean that the policy to which the Government of India are committed with regard to religious and social usages has been altogether abandoned and that a new policy has been taken up by the Government of India. I do not know of the enunciation of any new policy like that by the Government of India after the pronouncement that was made on the floor of the House when the Sarda Act was passed. At that time, in the name of the Government of India, a clear enunciation of policy was made and, I believe, the Government of India stand committed to that even today. Here what I find is this. One of the principles on which great emphasis is laid was this, that in regard to matters, religious and social, they would normally remain neutral and leaving it entirely to the communities concerned to see what is best for them. But, if they find that there is a usage or custom which is opposed to elementary principles of morality or to public policy as such then the policy of non-interference or neutrality to which they were pledged need not be adhered to. That was the kind of exception accepted by them. In all social legislation hitherto, I believe their policy of interference or non-interference would have been justified by the test which is propounded in the statement of policy which I have just referred to. But, so far as this Bill is concerned, I have really failed to see as to what was the principle of elementary justice or anything that was opposed to public policy in allowing apostasy to be recognised as a proper ground of divorce between husband and wife. Along with giving other grounds for divorce, this Bill was intended to remove that one ground of divorce—namely, apostasy—which was existing there. When a statement was made by my Honourable friend, Sir Muhammad Zafrullah Khan, on this Bill, the one thing that was inexplicable to me was that so far as Government are concerned why it was thought necessary by them to depart from and not to preserve their attitude of neutrality, unless they were convinced that the retention of the ground of apostasy in the case of a Muhammadan woman as a proper ground of divorce was opposed to the elementary principles of morality or of public policy as such. I submit that is a ground which concerns the rights of people belonging to other religions also in this matter. If any people belonging to a particular religion want to change their religion or usages in a way in which people of other religions are not concerned, I can understand Government allowing them to do that and giving their support also. But where such innovation is likely to interfere with the recognised ideas of religion held by other people it becomes a matter for the Government of India to consider seriously. I suppose the ground of apostasy was of this nature because if somebody takes to another religion he or she becomes a member of a different community holding on to different sets of principles and usages; and whether you wish it or not, the rights of that community are directly or indirectly affected by anything that may be done with regard to the changing of that particular position. Therefore, it was a question on which more light should have been thrown by Government to convince us that the position which they had taken up with regard to this Bill was proper and consistent with the policy which the Government of India had hitherto pursued in regard to social and religious legislation that came up before this House. In my opinion it was necessary for this House to scrutinise

[Mr. M. S. Aney.]

this particular conduct of Government more carefully, more minutely, and more vigilantly than it has done. I, therefore, stated, when I got up that although I congratulate my Honourable friend, Mr. Kazmi, for having brought about a measure like this and thereby done a service to Muslim women, I am not prepared to congratulate the House because it has allowed probably a serious inroad of certain more serious and dangerous principles upon the rights which the great Hindu and Muhammadan communities hitherto enjoyed in regard to legislation of a religious and social nature in so far as Government interference is concerned. So, these are the various reasons why I am standing here with a kind of mixed feeling, a feeling of admiration for my Honourable friend and a feeling of a little want of admiration for my colleagues from whom I expected a more robust stand when bigger and more vital principles were involved. With these words, I support the third reading of this Bill and once more congratulate my Honourable friend, Mr. Kazmi.

Syed Ghulam Bhik Nairang: Sir, I had an idea that speeches on this third reading of the Bill may now cease and the question may be put and the motion decided. But it appears to me from some of the speeches made and especially from the speech of my Honourable friend, Mr. Aney, that a very grave misconception is still entertained by some Honourable Members here as to the scope and effect of the Bill and as to the underlying principle of Muslim law as far as the question of apostasy of a married Muslim woman is concerned. And, perhaps, it will not be proper if remarks based on such misconception are allowed to pass unchallenged. I really cannot understand the attitude of my Honourable friends like Mr. Aney or even Bhai Parma Nand. They appear to entertain the notion that hitherto the one ground on which the courts could dissolve a Muslim marriage, under Muslim law, was the apostasy of the wife.

They repeatedly mentioned that as the one ground for dissolution. That is certainly the greatest misconception that could be entertained about Muslim law. It has been said repeatedly during the course of the debates on this Bill by speakers who like myself addressed the House on that point that the various rulings of the High Courts in India based on the notion that apostasy effected automatic and immediate dissolution of the marriage tie were based, in the first place, on a misconception as to the real nature of such effect and, secondly, on, at the best, a view which was held by one school of Muslim jurists dissented from by another school of Muslim jurists. That point was made perfectly clear to the House but some people still persist in thinking that according to Muslim law that was not only a valid ground for dissolution of marriage but the only ground on which Muslim women could claim divorce. This is such a serious misconception that I must say once again on the floor of this House that my Honourable friends who think that way are mistaken. Some of them in the course of their speeches say that they are not experts in Muslim law. Even my Honourable friend, Mr. Aney, in the speech which he has just made was generous enough to say that he did not claim to know much about Muslim law or Muslim usages; and yet he also in one part of his speech twice or thrice said that that was the one ground for dissolution. That is entirely wrong and any one who thinks with him on that point is entirely wrong. The fact simply is that according to one school of Muslim jurists this was in certain circumstances and with certain conditions attached

to it one ground for dissolution of marriage; and we have made it clear that those conditions which that school of Muslim jurists laid down are not fulfilled at the present day. Therefore, the doctrine of the other school naturally and automatically comes in and such apostasy is not under Muslim law a ground for dissolution of marriage. Anyhow all that could be said by non-Muslims on that point could have been only from the point of view of their respective communities if the proposed section in any way appeared to be likely to violate any of the rights of their communities. They could certainly say that such and such objection was entertained by them and unless that was answered they would not agree to this proposition. That objection was put forward in various forms by various speakers.

We, in the Select Committee, added a proviso to the present clause 4 which was clause 5 in the original Bill and we did all we could to concede to them all that they could in good faith want to be conceded. After that we expected them to hold the view that all reasonable objections had been met and not to act any longer as *amicus curiae* advocates for the cause of Islam and Muslim religion and not to tell the Muslim people that they are violating their own religion and are throwing to the winds the most precious doctrines of their own faith. Let them leave that task to us who are Muslims and who represent the Muslims in this House. We have taken every care to see that we do not in any way violate any of the essential principles of the *Shara* in laying down the several reasons in the form of a section which would suffice for the dissolution of a marriage in court. And when, we, in a spirit of responsibility as Muslims, declare that we have done all that was necessary under the *Shariat* to do, they ought to have felt satisfied that as far as Muslims are concerned they need not take up a brief for them and say: "well you are violating the spiritual side of the doctrine: you are only going on worldly principles: the other worldly principles are being thrown to the winds" and all that. I think they ought to have acted as we Muslims did with regard to the several social legislations which were undertaken by this House—we took up the attitude, when those Bills related to the Hindus, that it was for the Hindu Members as knowing the subject best, as knowing the needs of their community best, as having a better regard for the best interests of their community, to decide what to do with regard to those pieces of legislation and that we should certainly most gladly offer them all the support we could. In one of the speeches I made in the course of the debates on this Bill I reminded the House of what I had said in a former speech, explained the attitude which the Muslim Members had adopted with regard to those Bills and requested my Hindu friends to adopt the same attitude and let the Bill be passed without obstruction. I know that most sections in this House did very generously support this Bill but I am really surprised to hear objections on that point being still repeated—perhaps it will be presumptuous on my part to say—*ad nauseam*, but anyhow without any need. I would submit, therefore, that really now that the section has been regularly passed it is no use crying over spilt milk. As far as the valid legitimate interests of the Hindu community and other non-Muslims are concerned, they are sufficiently protected by the proviso added to section 4; and for the rest, it only affects Muslims and should be let alone now: it need not be discussed any longer. I may say one thing more.

My Honourable friend, Mr. Aney, talked of religious liberty. I think if he will consider this matter at his leisure he will see that we have really taken a step in that direction too. Is it not objectionable that a person by

[Sayed Ghulam Bhik Nairang.]

mere change of faith should incur any social disability or any loss of property or of inheritance? Is it not to further the cause of religious liberty and freedom of conscience that the Caste Disabilities Removal Act was passed in 1850? What did it do? It abrogated all laws or customs which in any way brought about any loss of right of inheritance or loss of property or anything merely on account of change of religion. Here also, as was explained in great detail, this change of religion of a Muslim woman led to her losing the right of inheritance to the husband or of other rights which she enjoyed as the wife of the man who was duly married to her under Islamic rites. By this section the marriage will subsist and all those rights will be maintained intact. Is this a gain or a loss? My friend was also thinking of some other religion, I think, when he said that the husband and wife have to perform religious rites together and if the wife believes in one religion and the husband believes in a different religion, how can they do it? I think he is thinking of something which is contemplated by Hindu law or the Hindu social system. There is no worship in Islam which is performed by the husband and wife together. In fact I think he cannot be unaware of the fact that admittedly it is permissible for a Muslim to marry a Jewess or a Christian lady. How could a Christian lady and her Muslim husband perform any prayer or religious worship together? But such a marriage is admittedly allowed under Muslim law. So really he was thinking of things that do not exist in Muslim society or Muslim law. I think the proper view to take is that really, as has been explained many a time in the course of the debates over this Bill, the Muslim women were suffering from a longstanding disability. They used to suffer on account of neglect by their husbands who could maltreat them in any way and according to certain notions about Muslim law which had prevailed so far, they could not move the court to effect a dissolution of the marriage. Now, by this Bill there will be such an immense improvement of their lot that there is, I think, cause for nothing but congratulation and satisfaction that this most desirable change has been brought about in the law, and I must congratulate my Honourable friend, Mr. Kazmi, on the successful way in which he has piloted this Bill in this House. I know personally what amount of labour he has had to go through and I have personal knowledge also of the most delicate and difficult nature of the task he had to perform. He has been equal to the task and I more than formally congratulate him on the successful way in which he has carried out his work. With these words I support the motion.

Honourable Members: The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

“That the question be now put.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

“That the Bill, as amended, be passed.”

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 386.)

Sardar Sant Singh (West Punjab: Sikh): Sir, I beg to move:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of Section 386*), be referred to a Select Committee consisting of the Honourable Sir Nripendra, Sircar, the Honourable Mr. R. M. Maxwell, Mr. C. J. W. Lillie, Dr. F. X. DeSouza, Mr. P. J. Griffiths, Mr. Muhammad Azhar Ali, Syed Ghulam Blik Nairang, Mr. M. Ananthasayanam Ayyangar, Mr. Sham Lal, Mr. Govind V. Deshmukh, Mr. K. S. Gupta, Mr. Lalchand Navalrai and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The object of my amendment is to remove certain words in the proviso to section 386 (1) of the Code of Criminal Procedure. This section 386 gives power to the courts for issuing a warrant for levying a fine. The section, as it now stands, reads:

"386. (1) Whenever an offender has been sentenced to pay a fine, the Court passing the sentence may take action for the recovery of the fine in either or both of the following ways, that is to say, it may—

- (a) issue a warrant for the levy of the amount by attachment and sale of any moveable property belonging to the offender;
- (b) issue a warrant to the Collector of the District authorising him to realise the amount by execution according to civil process against the moveable or immoveable property, or both, of the defaulter:

Provided that, if the sentence directs that in default of payment of the fine the offender shall be imprisoned, and if such offender has undergone the whole of such imprisonment in default, no Court shall issue such warrant unless for special reasons to be recorded in writing it considers it necessary to do so."

The object of my amendment is to remove the words beginning with "unless" and ending with "to do so", thus the power given to the Court to issue warrants for the recovery of fine after the prisoner has undergone the sentence provided for undergoing in default of the payment of the fine should be taken away from the Court. In 1923, Sir, when this section was amended, the power to realise fine from the immoveable property of the offender was added to this section. Before that, the Courts could only recover fines from moveable properties of the prisoners, but from 1923 it was considered necessary that the power should be extended for realising the fines from immoveable properties as well. The reason given during the debate on this point was that the law was to be brought in consonance with the law which prevailed in England where the levy of a fine was considered as a judgment debt against the offender, and it was to be recovered as if it was a decree of the Crown. So, Sir, in pursuance of that policy, the remaining two sections were amended, and such fine was regarded as a decree of a Civil Court in which a decree-holder was the Crown.

We found, Sir, that in the last Civil Disobedience Movement, and also the Akali Movement, certain persons were awarded sentences for payment of fines, and, in default of payment of fine, they were sentenced to undergo imprisonment. As the object for which imprisonment was sought in those days related purely to questions of conscience, questions of faith and questions of conviction, those persons refused to pay the fine, and the result was, that though they had undergone the imprisonment awarded in default of fine, still the fines were levied later on. Now, Sir, although the power under this section is limited to make the recoveries of the fine during the time the offender was undergoing imprisonment, still, though

[Sardar Sant Singh.]

the offenders had already undergone the sentence of imprisonment in default of the payment of fine, yet, without giving any adequate reasons for issuing the warrant as the section requires, the Courts issued warrants and actually recovered fines. There are so many reported cases, which for lack of time at my disposal I shall not quote,—and the Courts, particularly in Bombay and Calcutta, have held that the power should not be exercised after the offender has undergone the sentence, but in actual practice the power was exercised without giving any reasons in writing as required by the section. The result was that warrants were issued not in regard to carrying out the provisions or the spirit or the letter of the law as laid down in this section, but in regard to the political considerations involved in the case. Apart from the political cases, Sir, in cases reported in the All-India Reporter, 1935, Calcutta, 446, page 149, as well as in a recent case reported in I. L. R., 59, Bombay, page 350, this principle was discussed, and the spirit of the law enacted by the Legislature was shown to be that fine could only be realised during the time when the offender is undergoing imprisonment.

Looking to the provisions of the Indian Penal Code from sections 64 to 69, we will have to make a provision wherein the period of limitation, during which the Court can levy a fine only, should be limited to the time during which the person is undergoing imprisonment. It does not mean, as is said in certain quarters, that the power is entirely taken away for inflicting a punishment or sentence for default of payment of fine, the power is only limited during which the fine can be recovered. I hope the House will agree with me that this double punishment for one offence should not be allowed to remain on the penal Statute of this country, and, therefore, I move this.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved.

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of Section 386*), be referred to a Select Committee consisting of the Honourable Sir Nripendra, Sircar, the Honourable Mr. R. M. Maxwell, Mr. C. J. W. Lillie, Dr. F. X. DeSouza, Mr. P. J. Griffiths, Mr. Muhammad Azhar Ali, Syed Ghulam Bhik Nairang, Mr. M. Ananthasayanam Ayyangar, Mr. Sham Lal, Mr. Govind V. Deshmukh, Mr. K. S. Gupta, Mr. Lalchand Navalrai and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Honourable Mr. R. M. Maxwell (Home Member): Sir, this is the third occasion on which this House has been asked to apply its mind to a proposal of this kind to alter the law. The first occasion when this proposal was brought forward was in 1923 when the Criminal Procedure Code (Amendment) Bill was under discussion in the House, and I would remind the House that section 386, as it now stands, was entirely remodelled at the time when the 1923 Amendment Bill was passed. The object for which it was then remodelled was to make it clear—so it was summed up at the time,—that fines should not ordinarily be levied by distress when imprisonment in default has been suffered. That is the express object of the section of the Criminal Procedure Code as it now stands, and as it was inserted by the amending Bill of 1923. But at the time when that amending Bill was under discussion in the House an amendment to exactly the same effect as my Honourable friend's Bill was moved, and it was negatived by the House—without a division, I may say. That then was the first occasion on which the House considered this proposal and turned it down.

Then, again, my Honourable friend, the Mover of the present Bill, as the House may recollect, introduced a general Criminal Law Amendment Bill in 1933, and a provision having the same effect as the present Bill was included in that Bill also. On that occasion after a full discussion of this as well as of the other measures involved the House negatived the motion for reference to a Select Committee, so that as I say . . .

Mr. M. S. Aney (Berar: Non-Muhammadan): Now, you must yield.

The Honourable Mr. R. M. Maxwell: This is the third time on which the House has been asked to consider exactly the same proposal.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Try, try again.

The Honourable Mr. R. M. Maxwell: I remember myself something of the discussions which led up to the amendment of section 386 in 1923. At that time or just before it I was myself a Magistrate and I had to apply this law for the recovery of fines, and I fully admit to the House that I found the law as it then stood an oppressive one, and it was very distasteful to me to see these accounts dragging on against people who were obviously unable to pay their fines and small recoveries being made from month to month. In fact, these accounts ran on something like those of a *baniya*, only with this difference that they did not double themselves every month. That was precisely the position which the 1923 Bill was intended to amend, and I may say that that proposal first came up to the Government of India in about 1918 when it came up from my own province. As I have just mentioned, the whole object was to make it quite clear from the Statute that there should be no ordinary practice of going on levying fines by distress after imprisonment in default had been undergone. That is the only principle really that underlies the present Bill, and what I want the House to observe is that the Statute, as it stands, practically achieves what my Honourable friend wishes to achieve by his present Bill, the only difference being that under the Criminal Procedure Code, as it stands, it is open to the court to adopt the distress procedure after imprisonment has been suffered, for special reasons to be recorded in writing. Those words are very emphatic. It is clearly contemplated by the Code as it stands that no court would make a regular practice of doing such a thing. We know that in all cases where a court has to record special reasons it has to be careful to see that those reasons are of a judicial character and in fact they may be taken up to a superior court, in revision, on those reasons. Therefore, we are perfectly satisfied that there is nothing oppressive. There is no general practice of what my Honourable friend calls double penalty in the administration of section 386 as it stands. My Honourable friend's main argument seems to be that there is no need for even this qualified permission for the adoption of distress procedure in cases where sentences have been served in default, and that if the magistrate thinks that the accused is rich enough to pay a fine he need not pass any sentence of imprisonment at all. As my Honourable friend knows, section 64 of the Indian Penal Code leaves it entirely to the court to decide whether any sentence of imprisonment shall be passed in default. The section says that in all cases of offences punishable with fine, that is, with or without imprisonment or with fine only, it shall be competent to the court, which sentences such offenders, to direct by the sentence that in default of payment of fine the offender shall suffer imprisonment. Therefore, in cases where the magistrate knows that the accused is sufficiently well-to-do to pay the fine he is not obliged

[Mr. R. M. Maxwell.]

to sentence him to imprisonment in default at all. He can, in fact, do exactly what the Honourable the Mover wants him to do

Sardar Sant Singh: They always do it.

The Honourable Mr. R. M. Maxwell: But how can a magistrate know whether the fine will be realised or not? As we all know, the recovery of a fine is often a difficult and doubtful matter, and under the distress procedure—supposing the magistrate decides not to impose an imprisonment and resorts only to the distress procedure—we know that immovable property can disappear mysteriously when such warrants are issued, and also processes for execution against immovable property through the civil court are somewhat uncertain and, at any rate, dilatory. If the offender knows that by placing obstacles in the way of the realisation of the fine he will get away with it, he will not have any sentence in default to undergo, or rather if he knows that by undergoing a sentence in default he will completely end the recovery process, there is very much more inducement to him to place obstruction in the way of the execution of the process. If, on the other hand, he knows that by placing obstructions in the way of processes at first, he will not ultimately avoid the liability to pay the fine, as my Honourable friend wants him to avoid it, then he is much more likely to pay up the fine into court at once if he is a well-to-do person. We do not want, as my Honourable friend suggests, to oblige the court to issue the warrant in every case. The ideal disposal of a fine case is that the offender should pay up the fine into court without either suffering imprisonment in default or obliging the court to issue a warrant, and, therefore, we wish to leave the same inducement to the person who has to pay the fine to do that without being tempted to try and prevent the fine from being realised. There is a particular class of cases in which it is specially important to make sure that no obstruction is placed in the way of recovery of fines, and that is the class of cases where compensation has been awarded to the complainant out of the fine, if realised. Those are cases in which a comparatively well-to-do offender is ordered by the court to pay compensation to the complainant who may be a poorer person, and it is a matter of interest to us all that every possible pressure should be put on the accused in such cases to pay up.

While, therefore, I entirely agree with the Honourable the Mover that any trace of harassment of the poor offender is entirely wrong, I would submit to the House that that is sufficiently safeguarded by the Code as it stands. Imprisonment in default of fine ordinarily does discharge the sentence. There is no more outstanding against the accused unless the court, for special reasons, orders otherwise. But I submit that it would be highly unwise to deprive the court, in cases where it has special reason for doing so, of the possibility of issuing a process which is enabled by section 386. Finally, I would point out to the House that this Bill cannot stand alone: a Bill to amend section 386 of the Criminal Procedure Code cannot stand alone. We have the provisions of sections 67 to 70 of the Indian Penal Code which deal with imprisonment in default of payment of fine, and, particularly, I would draw the attention of the House to section 70 of the Indian Penal Code which lays down that the fine or any part thereof which remains unpaid may be levied at any time within six years after the passing of the sentence, and, if under the

sentence, the offender is liable to imprisonment for a longer period than six years, then at any time previous to the expiration of that period. That section goes on to state that the death of the offender does not discharge from the liability any property which would, after his death, be legally liable for his debts. Therefore, it is quite impossible for the House to consider this Bill as an isolated measure. It would give rise to a conflict with the Indian Penal Code unless it was accompanied by a further careful amendment of sections 67 to 70 of the Indian Penal Code. Sir, I oppose the motion.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of Section 386*), be referred to a Select Committee consisting of the Honourable Sir Nripendra Sircar, the Honourable Mr. R. M. Maxwell, Mr. C. J. W. Lillie, Dr. F. X. DeSouza, Mr. P. J. Griffiths, Mr. Muhammad Azhar Ali, Syed Ghulam Bhik Najrang, Mr. M. Ananthasayanam Ayyangar, Mr. Sham Lal, Mr. Govind V. Deshmukh, Mr. K. S. Gupta, Mr. Lalchand Navalrai and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Assembly divided:

AYES—41.

Abdul Qaiyum, Mr.
Abdur Rasheed Chaudhury, Maulvi.
Ancy, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Basu, Mr. R. N.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Mr. Govind V.
Gadgil, Mr. N. V.
Gupta, Mr. K. S.
Hegde, Sri K. B. Jinaraja.
Jogendra Singh, Sardar.

Kailash Behari Lal, Babu.
Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.
Manu Subedar, Mr.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Murtuza, Sahib Bahadur, Maulvi Syed.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Ranayen Prasad, Mr.
Rao, Mr. M. Thirumala.
Sant Singh, Sardar.
Santhanam, Mr. K.
Satyanurti, Mr. S.
Sham Lal, Mr.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Subbarayan, Shrimati K. Radha Bai.
Varma, Mr. B. B.

NOES—39.

Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Boyle, Mr. J. D.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
D'Souza, Mr. F.
Ghiasuddin, Mr. M.
Gorwala, Mr. A. D.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Hardman, Mr. J. S.
James, Mr. F. E.
Kushalpal Singh, Raja Bahadur.
Lillie, Mr. C. J. W.

Mackeown, Mr. J. A.
Maxwell, The Honourable Mr. R. M.
Menon, Mr. P. A.
Menon, Mr. P. M.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Mukerji, Mr. Basanta Kumar.
Nur Muhammad, Khan Bahadur Shaikh.
Ogilvie, Mr. C. M. G.
Rahman, Lieut.-Col. M. A.
Row, Mr. K. Sanjiva.
Sircar, The Honourable Sir Nripendra.
Sivaraaj, Rao Sahib N.
Spence, Mr. G. H.
Staig, Mr. B. M.
Stewart, The Honourable Sir Thomas
Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Thomas, Mr. J. H.
Yamin Khan, Sir Muhammad.

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 205.)

Sardar Sant Singh (West Punjab: Sikh): Sir, I move:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of Section 205*), be referred to a Select Committee consisting of the Honourable Sir Nripendra Sircar, the Honourable Mr. R. M. Maxwell, Mr. C. J. W. Lillie, Dr. F. X. DeSouza, Mr. P. J. Griffiths, Mr. Muhammad Azhar Ali, Syed Ghulam Bhik Nairang, Mr. M. Ananthasayanam Ayyangar, Mr. Sham Lal, Mr. Govind V. Deshmukh, Mr. K. S. Gupta, Mr. Lalchand Navalrai and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, the amendment aims at widening the powers of the magistrate to dispense with the personal attendance of the accused. I have given my reasons in the Statement of Objects and Reasons, and I do not want to take up much of the time of this Honourable House, but I will just point out one thing, *viz.*, that India is a very large country, and, occasionally, in order to bring pressure upon the accused, the power of the Court is abused to this extent that a criminal complaint is put in one Court, so that the expenses which are incurred by the accused or a number of accused for travelling from their places of residence to the place of the Court are more than those which may probably be involved by bringing about a compromise between the parties. So, with the purpose of putting pressure upon the accused, (Interruption)

An Honourable Member: Finish your speech. . . .

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member is moving his Bill further to amend the Code of Criminal Procedure, and he must be allowed to explain his reasons.

Sardar Sant Singh: My submission is that in order to put down this evil, it is necessary that more power should be vested in the magistrate for dispensing with the personal attendance of the accused. Therefore, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of Section 205*), be referred to a Select Committee consisting of the Honourable Sir Nripendra Sircar, the Honourable Mr. R. M. Maxwell, Mr. C. J. W. Lillie, Dr. F. X. DeSouza, Mr. P. J. Griffiths, Mr. Muhammad Azhar Ali, Syed Ghulam Bhik Nairang, Mr. M. Ananthasayanam Ayyangar, Mr. Sham Lal, Mr. Govind V. Deshmukh, Mr. K. S. Gupta, Mr. Lalchand Navalrai and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Some Honourable Members: The question may now be put.

The Honourable Mr. R. M. Maxwell (Home Member): Sir, I am afraid I must oppose the motion forthwith. This is another measure which has been before the House repeatedly, and it seems to me that one of my Honourable friend's hobbies is to dig out Bills which have been decently interred in the past and ask them to reconsider the matter. Sir, this particular matter was considered first in 1930 on a Bill brought up by Pandit Thakur Das Bhargava containing slightly wider provisions but substantially the same thing. That Bill was negatived by the House without a division. Then again the same measure came up in my Honourable friend's omnibus amendment Bill in 1933—the one I was referring

to just now. I have read the debates on that Bill and I cannot find that any real necessity was shown for a change in the law in this respect or that any real demand had been expressed in the country as a whole or by any of the Provinces for such a change. The principal reason given by the Mover, on that occasion, was, "why should not the law be what the practice is?" The obvious answer to such an argument is, "why alter the law if it allows the practice which you want?"

The practice described by the Honourable the Mover was that on the occasions on which the Magistrate wished to dispense with the presence of the accused and had issued a warrant in the first instance he had to take steps to cancel the warrant in order that it might be brought under the head in which a summons had been issued in the first instance. It is not denied that he can do that if he wants to do so. There is a procedure open to him, and as the Honourable the Mover pointed out in 1933, that practice exists, and the only object of this amendment would be to make the law what the approved practice has been; and my reply is, "why should it be necessary to alter the law if the practice which you want can be secured by the ordinary court processes?"

Now, I would ask the House to consider section 205 of the Criminal Procedure Code. This section allows the magistrate to dispense with the personal attendance of the accused whenever he issues a summons. Therefore, in the exercise of the discretion allowed to him by the first sub-section of section 205, he starts with the broad distinction which is laid down by section 204 of the Code in conjunction with the Second Schedule of the Code. According to section 204 there are certain cases in which a summons shall issue in the first instance. Those are the cases so described in the Second Schedule of the Code. In all such cases the magistrate has the discretion allowed by section 205 (1) to dispense with the personal attendance of the accused. Then there is the other class of cases contemplated by section 204 in which a warrant shall issue in the first instance according to the Second Schedule of the Code. But it is further provided in relation to the issue of a warrant that the magistrate may—and I quote the words of the section "if he thinks fit"—issue a summons. In those cases in which a warrant would be issued ordinarily in the first instance the magistrate has the discretion, if he thinks fit, to issue a summons and in that case, of course, if he has issued a summons in the exercise of that discretion, section 205 (1) applies, and he would be able to dispense with the personal attendance of the accused. But the words I have quoted, "if he thinks fit", in regard to the issue of a summons instead of a warrant, imply that he will use a judicial discretion in doing so, and that usually one might expect a warrant to issue in those cases in which, as provided by the Second Schedule, a warrant should ordinarily issue in the first instance. Now, the sole object apparently of my Honourable friend is to make it easier by this Bill for a magistrate to change his mind when he has issued a warrant and to convert that warrant into a summons. It is not denied that under the law as it stands he can revoke the warrant and make it a summons, and then he has the discretion allowed by section 205 to dispense with personal attendance.

The only difference made in this amendment will be that it will be easier for him to do so. With regard to this matter of dispensing with the attendance of an accused person, I would ask the House to remember the ordinary principle of law, namely, that an accused person should face

[Mr. R. M. Maxwell.]

his accusers and should face the witnesses. That is a very important principle underlying our criminal processes and I do not think that is one which the House would ordinarily wish to see disregarded. It is entirely in the interests of justice that the accused should, as a normal thing, be present in the court, if it is physically possible to get him there whether the case is an important one or a serious one or not a very serious one. Hence, even where, as in section 205 (1), the law allows a certain amount of discretion to the court in the direction of dispensing with the attendance of the accused, cases where the attendance of the accused can properly be dispensed with must be definitely rare. But such cases of the class in which a warrant would ordinarily have issued in the first instance but the magistrate has decided to issue a summons must be rarer still. Finally, such cases in which a magistrate has decided to issue a warrant but wishes afterwards to change his mind and make it into a summons must be very much rarer still. Yet, on account of such altogether exceptional cases my Honourable friend, the Mover, wishes all the distinctions of the Second Schedule of the Criminal Procedure Code to be wiped out: so that a magistrate can dispense with the attendance of the accused irrespectively of the nature of the case, whether it is a serious case or whether it is a case in which a warrant would ordinarily issue in the first instance. Whatever the nature of the case, irrespectively entirely of section 204 of the Code, he wants the magistrate to have full discretion to dispense with the attendance of the accused. I think the House will agree with me that it is a very dangerous latitude to allow. When the matter was under discussion in this House before, the then Law Member, the Honourable Sir Bepin Behari Ghose, used these words to which I would draw the attention of the House:

"There are often cases in which the accused is very rich and has been accused of a grave offence. Now, if the Magistrate after issuing a warrant, because of the wealth of the accused, dispenses with his personal attendance, I, for one, as a peaceful inhabitant of the country would object."

Those were the words used by the Honourable the Law Member in 1933 and I must ask the House to consider this latitude from that point of view. Is this going to be a law that is going to help the poor accused or is it going to be a law that is going to help the rich accused? To what extent it will give scope for improper pressure? Is it, in fact, a democratic law or not and why does the Honourable Member wish to introduce it into our Code? I would ask the House to consider the implications of a measure of this kind very carefully. Although the motion is only one for the Select Committee, I would earnestly ask the House not to refer it lightly to a Select Committee merely because that is not the final disposal of the Bill. Unless the House is prepared to accept the principle that a magistrate should be able to dispense with the attendance of the accused in any case of whatever description and however serious it may be without recording any reasons whatsoever, I would ask the House to negative this motion. Sir, I oppose it.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, the Honourable the Home Member has raised three points against the motion for reference to the Select Committee, and I will deal with them categorically. In the first place, he referred to section 205 and said that there is a provision in section 205 itself in proper cases for the magistrate to dispense with the appearance of the accused. Then, he also referred to the inconvenience and he suggested a way as to how the magistrates can get over that inconvenience by issuing a summons in place of a warrant. But that is

not the course which is proper for the magistrate to follow later on. Once the warrant is issued, the accused is brought before the Court. He can appear either personally or through his Vakil. Even in a case where he appears on a summons, that is the end of it, and there is no more chance of issuing a warrant for summons. No doubt, the magistrates try to evade this provision of section 205 and try to stretch the language by cancelling the warrant and try to gain the benefit of the provisions of section 205 to issue summons to the accused. That is the reason why this amending Bill has been brought by my Honourable friend, Sardar Sant Singh.

Another point to which reference has been made by the Honourable the Home Member is that rich men would try to escape and the magistrates ought not to be clothed with powers of discretion to exempt the personal attendance of rich men. He also referred to the opinion of the Honourable the Law Member which he expressed in 1933 when a similar Bill was introduced. Let me take a concrete case. A number of people are charged for rioting, and, until the case is made out, it cannot be said who are really guilty. In the meantime, they have to undergo various kinds of tortures and the expenses and the inconvenience by attending the court personally in batches of 40 and 50. Although their Vakil is in the Court, their personal attendance is insisted upon. So, it works as a greater hardship on the poorer people. I remember a number of cases where the accused persons had engaged their Vakil and still their personal attendance in the Court was insisted upon. Of course, the Vakil is there invariably, and yet the poor people also have to be present in the Court. I would ask the Honourable the Home Member to realise the travail which these poor people have to undergo during the process of the inquiry in attending the Court at various places. The magistrates are not stationary in most cases. They are itinerants. The First Class Magistrates generally camp from place to place. I know of cases where the accused persons had to sit on the top of the hill and had to undergo all sorts of inconveniences. I would, therefore, say that we must not look merely to the cases of the rich men.

Let us address ourselves to the cases of the poor people who suffer lot of inconvenience although ultimately they may not be found to be guilty. Very often these poor people are abused. I would only mention one case of a Sub-Judge before whom I had to appear on behalf of a *Sahukar*, who was worth 20 lakhs of rupees. He was a member of the District Board. He had granted a *patta* to an individual to cultivate his land as a receiver. Another man had already got a *patta* for the same land. These two persons began to plough, and one of them filed a suit against the other. The Court asked for the personal attendance of the accused, who was between these two persons who claimed the property as rival claimants. The magistrate suggested that the accused might be present who gave the *patta* and he asked that the receiver might also be made a co-accused. The Vakil who was appearing for the complainant immediately took up the suggestion. Even without a sworn statement he merely gave a memorandum, and, on the strength of that memorandum, the man was taken as a co-accused. I was waiting there from 11 o'clock till half past two. On that particular day, I was appearing on behalf of the *Sahukar*. The magistrate did not turn up, because he was engaged in ceremony and he came at 2-45. I had just then left the

[Mr. M. Ananthasayanam Ayyangar.]

Court leaving word that I would be coming back after attending some work in another Court. By that time he wanted the *Sahukar* to appear. The sub-magistrate could not resist the application to allow the *Sahukar* to appear by a *Vakil* on a previous day, and he could find no excuse and he was waiting for an opportunity to issue a warrant for the appearance of the old man on account of a quarrel between one person to whom a *patta* was granted and another to whom *patta* was granted by a previous person.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech on the next day.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 15th February, 1939.

LEGISLATIVE ASSEMBLY.

Wednesday, 15th February, 1939.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBER SWORN.

Mr. Alan Hubert Lloyd, C.S.I., C.I.E., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

†402*.

REDUCTION IN THE NUMBER OF SALOONS.

403. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Railway Member state:

- (a) the extent of the use of saloons by officers of Railway Administrations and by others in the year 1934-35 and in the last financial year;
- (b) whether the use of saloons by people other than Railway officers has gone down;
- (c) whether an enquiry has been made to see that the number of saloons maintained for the use of Railway officers could be reduced; and
- (d) if so, with what effect?

The Honourable Sir Thomas Stewart: (a) and (b). The information is not available.

(c) and (d). The Honourable Member's attention is invited to the reply given in this House on 2nd December, 1938, to part (c) of starred question No. 1723 asked by Mr. S. Satyamurti. The examination referred to therein is not yet complete.

Mr. T. S. Avinashilingam Chettiar: May I know whether statistics are taken from time to time as to the number of saloons and as to whether they are sufficient or in excess of the needs?

The Honourable Sir Thomas Stewart: What is happening is that a census of the use of saloons is being taken covering the months of November, December and January, and the replies are not yet complete. They have not all come in; they are expected within the next month.

†This question was withdrawn by the questioner.

Mr. T. S. Avinashilingam Chettiar: Am I to understand that these statistics are taken every year for the months mentioned by the Honourable Member?

The Honourable Sir Thomas Stewart: No, Sir. This is a special inquiry being carried out at the request of the Standing Finance Committee.

Mr. T. S. Avinashilingam Chettiar: When was it last taken?

The Honourable Sir Thomas Stewart: I do not think it was ever taken before; this is a special inquiry.

Mr. T. S. Avinashilingam Chettiar: May I know if, pending the results of this inquiry, the building of saloons has been stopped?

The Honourable Sir Thomas Stewart: That is what I have already indicated on the floor of the House.

Mr. S. Satyamurti: With reference to clauses (a) and (b) of the question, may I know why information is not available, and whether Government do not keep any account of the use of these saloons, considering the cost involved in their construction and maintenance?

The Honourable Sir Thomas Stewart: That is a reasonable inference from my reply.

Mr. S. Satyamurti: May I know then what are the reasons why Government are not able to give this House the extent of the use of saloons by officers of railway administrations and others in the year 1934-35 and in the last financial year?

The Honourable Sir Thomas Stewart: Presumably because the information is not available.

Mr. S. Satyamurti: What are the steps which the Railway Board or Government take in order to see that these saloons are used only for the purposes for which they are built and maintained, and that they are not excessive or excessively used?

The Honourable Sir Thomas Stewart: Government have issued an extensive questionnaire to the various railway administrations.

Mr. K. Santhanam: May I know when the instructions for collecting statistics were issued?

The Honourable Sir Thomas Stewart: The actual instructions were issued on the 6th June last year. Then the preliminary replies came in. These were unsatisfactory and revised instructions were issued to the railways in October.

Mr. K. Santhanam: Am I to understand that the instructions were for the months of October, November and December, 1938?

The Honourable Sir Thomas Stewart: No, Sir, The instructions issued on the 6th June, 1938, were in somewhat general terms.

Mr. K. Santhanam: I want to know the months for which statistics were called for.

The Honourable Sir Thomas Stewart: I shall require notice as to the nature of the instructions issued in June. My information is regarding the latest inquiries that have been made since October.

Mr. K. Santhanam: I want to know whether if instructions were issued before the months indicated some artificial stimulation of the use of saloons would not vitiate the collection of statistics?

The Honourable Sir Thomas Stewart: That, I think is a presumption.

Mr. T. S. Avinashilingam Chettiar: Along with the statistics of saloons may I know whether the question of people entitled to the use of saloons is also being considered?

The Honourable Sir Thomas Stewart: I think that question is covered by the general inquiry that is being undertaken.

Mr. Lalchand Navalrai: May I know if this census is taken with a view to decrease the number of saloons?

The Honourable Sir Thomas Stewart: If it should appear from this inquiry that it is desirable to do so, that action will be taken.

AMALGAMATION OF CERTAIN GRADES OF CLERKS IN THE DIVISIONAL SUPERINTENDENTS' OFFICES ON THE NORTH WESTERN RAILWAY.

404. *Sardar Sant Singh: Will the Honourable Member for Railways please state:

- (a) whether it is a fact that the clerks employed in the offices of the Divisional Superintendents, North Western Railway, who have put in ten years' service, are blocked on the maximum of grade I, *viz.*, Rs. 60, which limit is reached after putting in at least seven years' service;
- (b) whether it is a fact that the General Manager, North Western Railway, recommended to the Government of India in 1930 that the clerks who had been blocked on the maximum of grade I for more than one year should be allowed to step into the next grade the maximum of which is Rs. 95 per mensem. which can be reached after putting in at least 15 years' service;
- (c) whether the General Manager, North Western Railway, admitted in 1930 that there is hardly any line of demarcation in the duties performed by the clerks in grades I and II and that subsequently it has been admitted on several occasions by the Divisional Superintendents, who have accordingly been recommending amalgamation of grades I and II ever since;

r/s

- (d) whether, since 1932, conditions have so accentuated for various reasons, including appointments in intermediate grades, that not more than ten per cent. of the clerks who had reached the maximum of grade I in that year have been able to step into the next grade so far;
- (e) whether it is a fact that deductions for Provident Fund and institute amount to Rs. 6 per mensem, thus leaving Rs. 54 to the clerks;
- (f) whether Government are aware that such clerks have to pay about Rs. 15 per mensem as house rent in the big cities, thus leaving only Rs. 39 per mensem for living;
- (g) if the reply to part (e) be in the affirmative, whether Government consider that a clerk having put in ten years' service and having, on an average, a family of five members can maintain himself and his family in the said principal cities within the remaining Rs. 40 on a standard expected of him;
- (h) whether it is a fact that over 90 per cent. of the said class of clerks are heavily in debt, mostly to the Railway Co-operative Credit Societies, and that they have been representing for the last several years for amelioration of their conditions;
- (i) whether such a low living wage is offered, even under the revised scales of pay, in any other Government Department; and
- (j) whether Government are prepared to amalgamate grades I and II in order to enable a clerk to attain the wage of Rs. 90 per mensem or so, after putting in 15 years' service in the principal towns?

The Honourable Sir Thomas Stewart: (a) Yes, except in a few cases. The maximum is, however, reached in seven years in the case of men in the old grade I and eight years in the new grade I.

(b) and (c). I would refer the Honourable Member to the reply given to parts (c) and (d) of Mr. Lalchand Navalrai's starred question No. 1046 on the 9th March, 1936, and of his unstarred question No. 33 on the 21st February, 1938.

(d) Government have no information.

(e) The contribution to the Provident Fund is one-twelfth of an employee's pay and the subscription to an Indian institute, if one exists at the station, is four annas per mensem for employees on Rs. 60.

(f) to (h). Government have no information as regards parts (f), (g) and the first part of (h). As regards the latter part of (h), I would refer the Honourable Member to the reply given to part (a) of Mr. Lalchand Navalrai's unstarred question No. 33 on the 21st February, 1938.

(i) I cannot see that any useful purpose is served by comparison with other Departments where circumstances are not identical.

(j) I would refer the Honourable Member to the reply given to part (c) of Mr. Amarendra Nath Chattopadhyaya's starred question No. 662 on the 31st August, 1938.

Sardar Sant Singh: May I know if it is a fact that the Honourable Member in his speech on this subject last year said that there was a reasonable flow of first grade men to second grade within a reasonable time?

The Honourable Sir Thomas Stewart: That is my recollection.

Sardar Sant Singh: Is it a fact that in the N. W. Railway of a total strength of 422 first grade clerks 280 have been blocked in this grade from 9 years to over 15 years?

The Honourable Sir Thomas Stewart: Where you have a system of promotion from one grade to another it is by no means a certainty that every clerk in the lower grade will be promoted to the higher one. The question of merit comes in.

Sardar Sant Singh: May I know the percentage which have a reasonable chance on their merits of promotion to the second grade?

The Honourable Sir Thomas Stewart: According to the figures quoted by my Honourable friend the percentage that went up was something like 50 per cent.

Mr. Lalchand Navalrai: Is it a fact that since the Honourable Member made that statement last year there has been no flow at all and there is no likelihood of any flow from grade I to grade II? Will the Honourable Member, therefore, reconsider this question?

The Honourable Sir Thomas Stewart: I do not think that a temporary stop in promotion is necessarily a reason for revising the whole system of promotion.

Mr. Lalchand Navalrai: In view of the difficulties, more or less recognised by the Honourable Member in his speech last year, of these first grade divisional clerks, will the Honourable Member remove those difficulties in any way? It is not a question of comparison, but will the Honourable Member give them some relief?

The Honourable Sir Thomas Stewart: The Honourable Member is presuming a state of mind which is not necessarily true so far as I am concerned.

Mr. K. Santhanam: May I know if there is any direct recruitment to grade I?

The Honourable Sir Thomas Stewart: That is my impression.

ABOLITION OF FIRST CLASS ACCOMMODATION ON BRANCH LINES.

405. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member for Railways state:

- (a) the number of Branch lines in which first class accommodation has been abolished;

- (b) the mileage in these lines in which this has been brought into effect; and
- (c) as a consequence, how many first class carriages are in excess of the demand?

The Honourable Sir Thomas Stewart: (a) to (c). The information is being compiled and will be laid on the table of this House.

Mr. T. S. Avinashilingam Chettiar: May I know whether it is not true that, in the statement of the action taken by Government over the Wedgwood Committee's Report, they have represented that the first class has been abolished in certain lines?

The Honourable Sir Thomas Stewart: Yes: that was a qualitative statement: I am now endeavouring to get a quantitative one.

Mr. T. S. Avinashilingam Chettiar: May I know when this order for collecting this information was issued?

The Honourable Sir Thomas Stewart: I should require notice of that; but my impression is that it was issued as a result of the suggestions I made since this question was first raised on the floor of this House.

Mr. T. S. Avinashilingam Chettiar: May I know whether this first class accommodation was abolished on certain railways without consulting the Railway Board?

The Honourable Sir Thomas Stewart: I have told the Honourable Member that I am collecting the information and will lay it on the table of the House when it is ready.

IMPROVEMENTS IN FACILITIES AND COMFORTS OF THIRD CLASS PASSENGERS.

406. *Mr. Brojendra Narayan Chaudhury (on behalf of Mr. Akhil Chandra Datta): Will the Honourable the Railway Member please state:

- (a) what action, if any, has recently been taken to improve the facilities and comforts of third class passengers;
- (b) what action, if any, has been taken for the acceleration of passenger trains; and
- (c) what action, if any, has been taken to attract more third class passengers?

The Honourable Sir Thomas Stewart: (a) to (c). I would refer the Honourable Member to the details given in Chapters IV and VIII of the Railway Board's Annual Report on Indian Railways for 1937-38, Volume I, a copy of which is in the Library of the House.

Mr. Brojendra Narayan Chaudhury: Has not anything been done since that report was published?

The Honourable Sir Thomas Stewart: I should be sorry to say that nothing has been done, but I do not think very much can have been done as the volume was only published about a week ago.

Mr. Brojendra Narayan Chaudhury: May I know when the report was compiled?

The Honourable Sir Thomas Stewart: In the closing months of the year.

Mr. T. S. Avinashilingam Chettiar: May I know whether anything has been done to speed up the Grand Trunk Express from Madras to Delhi?

The Honourable Sir Thomas Stewart: The reply is in the negative.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government will place on the table of the House or publish a report from time to time of the speeding up of trains that has been done by the railways?

The Honourable Sir Thomas Stewart: I think the action taken in that respect is included in the annual report.

GRANT OF CONCESSION RATES FOR BOOKS LUGGAGE OF STUDENTS ON RAILWAYS.

407. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state:

- (a) whether the attention of the Railway Board has been drawn to the fact that students in travelling home at vacation terms have to take their books with them as luggage and that books are charged at ordinary luggage rates, the ordinary free allowance for third class being too small to cover the weight of both suit case and book case; and
- (b) whether any concession rates for students' books luggage is contemplated?

The Honourable Sir Thomas Stewart: (a) No. (The free allowance on third class tickets was raised from 15 to 25 seers in December, 1929.)

(b) No.

Mr. Brojendra Narayan Chaudhury: Has the Honourable Member taken into consideration the fact that most of the students are very poor?

The Honourable Sir Thomas Stewart: I do not think that that is universally true.

PROSECUTION OF RAILWAY EMPLOYEES IN CONNECTION WITH THE BIHTA ACCIDENT ON THE EAST INDIAN RAILWAY.

408. *Sardar Sant Singh: Will the Honourable the Railway Member be pleased to state:

- (a) if there were any prosecutions of railway employees in connection with the Bihta accident on the East Indian Railway;
- (b) if so, how many persons were prosecuted, what was their rank, and with what result; and
- (c) whether the defence expenses were met by the East Indian Railway, or the accused persons; if by the Railway, what these amount to?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) One. I would refer the Honourable Member to Mr. M. Thirumala Rao's starred question No. 33E of the 3rd February, 1939, and the reply given thereto.

(c) The defence expenses were not met by the East Indian Railway.

TRAFFIC CONGESTION ON THE RAILWAY LEVEL CROSSING NEAR LYALLPUR.

409. *Sardar Sant Singh: (a) Is the Honourable the Railway Member aware that traffic congestion on the railway level crossing near Lyallpur railway station on the Gatti side on the North Western Railway is very great?

(b) Do Government propose to construct either an over-bridge or an under-bridge for the passage of traffic during the time of arrival and departure of trains from and to the Lyallpur railway station?

The Honourable Sir Thomas Stewart: (a) Government have no information.

(b) The Honourable Member is referred to the answer given to his question No. 565 in this House on the 16th September, 1937.

Sardar Sant Singh: May I know whether the traffic has increased tremendously since the last answer was given on this subject and do Government propose to make increases as to the number of stoppages which are necessary at this crossing?

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to the reply which I quoted: there he will find a complete answer to his question.

TYPISTS AND STENOGRAPHERS IN THE EXTERNAL AFFAIRS DEPARTMENT.

410. *Mr. K. Santhanam: Will the Secretary for External Affairs please state:

- (a) the number of typists and stenographers employed in his office;
- (b) how many of them are Anglo-Indians; and
- (c) how many of them are ladies?

Sir Aubrey Metcalfe: (a) Nine typists and four stenographers.

(b) and (c). Five, including four ladies, are Anglo-Indians.

CONTRACTS FOR THE LOADING AND UNLOADING OF GOODS ON THE EAST INDIAN RAILWAY.

411. *Mr. Badri Dutt Pande: (a) Will the Honourable Member for Railways be pleased to state if it is a fact that contracts for loading and unloading goods are given by the East Indian Railway to its own Goods Inspectors and Station Masters and others in its employ?

(b) In a State-managed Railway, can its servants be given and accept such contracts?

The Honourable Sir Thomas Stewart: (a) Yes, at certain stations.

(b) Yes.

Mr. Badri Dutt Pande: Do Government want to revise this system or not?

The Honourable Sir Thomas Stewart: No, Sir.

SCHOOLS FOR GIRLS IN BRITISH BALUCHISTAN.

412. *Mr. Abdul Qaiyum: Will the Foreign Secretary please state:

- (a) the number of Government High Schools in British Baluchistan;
- (b) the number of primary schools for girls;
- (c) the number of middle schools and high schools for girls in that Province; and
- (d) the latest available figures, showing the number of girls receiving education in that Province?

Sir Aubrey Metcalfe: (a) Two.

(b) Two.

(c) One Middle School only.

(d) 43.

Mr. Abdul Qaiyum: With reference to part (a) of the question, may I know if there is any Government high school for boys at Quetta?

Sir Aubrey Metcalfe: I think probably. The Honourable Member merely asked how many high schools there were in British Baluchistan: one of them is almost certainly in Quetta, but I could not say for certain without notice.

Mr. T. S. Avinashilingam Chettiar: What is the population which these schools try to serve?

Sir Aubrey Metcalfe: There again I must ask for notice: I cannot carry the figures in my head.

Mr. Abdul Qaiyum: May I know what is the answer to part (d)?

Sir Aubrey Metcalfe: The answer is 43.

EDITORIAL IN THE *HINDUSTAN STANDARD* REGARDING CAUSES OF ACCIDENTS ON THE EAST INDIAN RAILWAY.

413. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state:

- (a) whether the charges levelled at the East Indian Railway Administration in the editorial article of the *Hindustan Standard* of the 13th January, 1939, that:
- (i) the Permanent Way Gang has been reduced *drastically*, and the length of each section increased so that there is lack of supervision over the entire way from year's end to year's end;

- (ii) engines have not been adequately tested to see whether they could be adjusted to Indian lines, as they are adjusted to English lines;
 - (iii) some part of the mischief is due to the substitutions of the divisional system for the departmental system, which has resulted in decentralisation with all the divisional heads competing with one another;
 - (iv) nor is there any policy in the system of control as to signalling;
- are wholly or partly correct; and
- (b) if not, whether Government propose to issue a *communiqué* to allay public apprehensions that the railway accidents are due partly to the above causes?

The Honourable Sir Thomas Stewart: (a) (i). I would invite the Honourable Member's attention to the reply given to his question No. 383 on the 23rd August, 1938, and to the supplementary questions arising out of it. The position there explained is correct also for the East Indian Railway.

(ii) All our locomotives have been designed from the practical experience gained in India and other countries but only during very recent times has it been possible to determine scientifically the suitability of different types of locomotives for use on different classes of track. In such scientific developments Indian Railways have taken a leading part.

(iii) No.

(iv) I am afraid the nature of the charge made is not clear to me. The writer of the article appears to have confused the system of traffic control with the nature of the signalling installation.

(b) Government are doubtful if public apprehensions would be allayed by the issue of a *communiqué* dealing with features which are not the cause of accidents.

Mr. Brojendra Narayan Chaudhury: Since when has this arrangement of reduced gangmen been in force?

The Honourable Sir Thomas Stewart: Speaking from memory, I believe that there has been no change in the gangmen system since about 1929.

Mr. Lalchand Navalrai: With regard to clause (iii), has any investigation or report been made to show that by decentralisation of the divisional system there has been less of supervision by the Railway Board?

The Honourable Sir Thomas Stewart: No: we have no reason to believe that that is the case.

Mr. Lalchand Navalrai: Has any report been called for from the divisions?

The Honourable Sir Thomas Stewart: We cannot afford to make investigations into mares' nests.

Mr. Lalchand Navalrai: How is it that the answer "No" is given? For what reasons?

The Honourable Sir Thomas Stewart: Because in the opinion of the Railway Board there is no necessity for carrying out such investigations.

Mr. Abdul Qaiyum: May I know if in the parts where the recent railway accidents took place the number of employees looking after the railway line was decreased?

The Honourable Sir Thomas Stewart: I should require notice of that.

Mr. Abdul Qaiyum: I think it arises from part (a) of the question.

The Honourable Sir Thomas Stewart: I am not querying the fact of its arising.

DISLOCATION OF TRAFFIC AT BYCULLA RAILWAY STATION.

414. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state:

- (a) whether on the 11th January, 1939, there was dislocation of traffic for about four hours at Byculla station, owing to passengers constantly pulling up the alarm chain and lying down on the permanent way, and what the trouble was due to, and on what terms the passengers were pacified; and
- (b) whether two persons were arrested by the Railway Police and subsequently released?

The Honourable Sir Thomas Stewart: (a) Yes. The trouble was due to passengers of a Down suburban train complaining of overcrowding. They were assured that the number of coaches on this train would be increased if found necessary.

(b) Yes.

Mr. Manu Subedar: Have Government considered that similar acute complaints have not taken place with regard to the Bombay, Baroda and Central India Railway but only for the Great Indian Peninsula Railway?

The Honourable Sir Thomas Stewart: I take the Honourable Member's word for it.

Mr. Manu Subedar: Have Government considered the desirability of providing standing accommodation with straps, as is done in the suburban trains in Europe in order to mitigate the difficulty?

The Honourable Sir Thomas Stewart: Strap-hanging is under consideration.

Mr. Brojendra Narayan Chaudhury: May I know whether there is any obligation on the part of the railways to carry passengers who purchase tickets, by the first train?

The Honourable Sir Thomas Stewart: The obligation to carry passengers exists only when there is room for the passenger.

Mr. T. S. Avinashilingam Chettiar: Why do you issue tickets? May I know, if there is no obligation to carry passengers when there is no space, why tickets are issued?

The Honourable Sir Thomas Stewart: Because there are other trains coming along.

ACCIDENTS ON THE EAST INDIAN RAILWAY.

415. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state:

- (a) the number of major railway disasters involving loss of life, on the East Indian Railway, since the Bihta disaster, the dates and the places of the accidents;
- (b) of the above, which have been proved or believed to have been due to sabotage and which to faults of railway officials or of the railway system; and
- (c) whether from a scrutiny of the reports of the above accidents Government have been able to come to any conclusion that any particular region of the East Indian Railway system is more susceptible to such accidents either by sabotage or through defects in soil condition owing to its geographical condition; if so, the steps taken for closer inspection and guarding of the permanent way in that region, or to study the soil conditions?

The Honourable Sir Thomas Stewart: (a) and (b): I would refer the Honourable Member to the statement laid on the table of this House in reply to Maulvi Abdur Rasheed Chaudhury's starred question No. 180 of the 7th February, 1939.

(c) A reference to the above statement will show that two of the three accidents caused by sabotage occurred in Bihar and the third in the United Provinces and that none of them was in any way connected "with defects in soil conditions". The last part of the question, therefore, does not arise.

Mr. Abdul Qaiyum: With regard to part (c) of the question as to what steps have been taken,—I just now put a supplementary question and the Honourable Member wanted notice for it,—but the last part of the question asks—"If so, the steps taken for closer inspection and guarding of the permanent way in that region". In this connection I particularly want to know whether the number of staff detailed to look after the permanent way has been increased in view of the theory of sabotage that has been advanced?

The Honourable Sir Thomas Stewart: If the Honourable Member wants details as to numbers, he must give me notice.

Mr. Abdul Qaiyum: I do not want details, but I simply want to know whether any increase in staff has taken place in the last few days?

The Honourable Sir Thomas Stewart: My recollection is it is so.

Mr. Badri Dutt Pande: Are the police patrolling some of the lines in Patna?

The Honourable Sir Thomas Stewart: I think that this question should be addressed in another place.

Mr. Brojendra Narayan Chaudhury: Is there any correspondence going on between the Railway Board and the Bihar Government with regard to the patrolling of the railway lines in that area?

The Honourable Sir Thomas Stewart: I understand that there has been correspondence between the Railway Administrations and the Bihar Government; of that I have indeed no official cognisance.

Maulvi Abdur Rasheed Chaudhury: May I know, Sir, whether the people connected with this sabotage have been found out?

The Honourable Sir Thomas Stewart: My information is that they have not yet been discovered.

ACCIDENTS ON THE EAST INDIAN RAILWAY.

416. *Mr. Lalchand Navalrai: (a) Will the Honourable the Railway Member be pleased to state how many railway accidents, in which there was loss of life and property, occurred on the East Indian Railway during the last five years?

(b) Will the Honourable Member be pleased to make a full statement as to the cause and the number of the loss of life and property in the recent train accident between Chichaki and Hazaribagh Road?

(c) What steps have Government taken in connection with this accident?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the Railway Board's Annual Reports on Indian Railways for the last five years, Volume II, Appendix D, copies of which are in the Library of the House.

(b) The Honourable Member is referred to the Senior Government Inspector's report, a copy of which was given to Honourable Members.

(c) I would refer the Honourable Member to my speech in reply to the adjournment motion in this House on the 3rd February, 1939.

Mr. Lalchand Navalrai: Can the Honourable Member tell me whether any inquiries have been made or are being made to find out who were the people connected with this sabotage?

The Honourable Sir Thomas Stewart: I understand that the police in Bihar are making inquiries.

Mr. T. S. Avinashilingam Othettiar: May I know, Sir, if the personnel and the terms of reference of the committee to be set up to inquire into the Hazaribagh disaster have been determined?

- (b) whether the list is arranged in order of merit; if not, why not;
- (c) whether flying concerns, while making responsible appointments like that of Chief Engineer or Chief Pilot, have to obtain the approval of the Director of Civil Aviation in India; if not, why not; and
- (d) whether Government are prepared to order that the flying concerns should get the approval of the Director of Civil Aviation while making responsible appointments like that of Chief Pilot or Chief Engineer and this should have retrospective effect; if not, why not?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) No, because there is no necessity for it.

(c) No, except in the case of the flying clubs which receive a subsidy from Government.

(d) No. Government do not consider it desirable to interfere with the management of commercial enterprises.

Sardar Mangal Singh: May I know, Sir, whether the department inspects the arrangements of subsidised companies from time to time?

The Honourable Sir Thomas Stewart: Yes, certainly.

RADIO PIRACY CAMPAIGN.

420. *Sardar Mangal Singh: Will the Honourable Member for Communications please state:

- (a) the number of prosecutions started against offenders caught as a result of radio piracy campaign, Province by Province; and
- (b) whether Government contemplate taking effective measures to stop recurrence of radio piracies?

The Honourable Sir Thomas Stewart: (a) Information regarding the number of prosecutions started province by province is not available but I lay on the table a statement giving such information by Postal Circles.

(b) Government have already taken measures which they hope will be effective to eradicate wireless piracy.

Statement.

Figures for prosecutions.

Circle.	1936-37.	1937-38.	1938-39 (for first 9 months).
Central . . . . .	..	1	8
Madras	3	20	23
Punjab and N.-W. F. . . . .	..	..	..
Bombay	3	3	20
Bengal and Assam	23	41	30
United Provinces . . . . .	..	..	42
Sind and Baluchistan . . . . .	..	1	7
Bihar and Orissa . . . . .	..	..	2
Total	29	66	132

Sardar Mangal Singh: May I know, Sir, whether it is a fact that some high officials of the Government of India were found using the radio without a licence?

The Honourable Sir Thomas Stewart: I should require notice of that.

Mr. K. Santhanam: May I know, Sir, whether Government will take steps to issue licenses for longer periods than one year so that the license holders may not have to renew their licenses every year?

The Honourable Sir Thomas Stewart: That is an entirely new suggestion to me, but *prima facie* I should say it will not be acceptable, because it is difficult enough to get people pay Rs. 10 at a time for one year, and I think it will be much more difficult to get them to pay Rs. 20.

Mr. S. Satyamurti: Will Government examine the possibility of making the payments easier on the part of the licensees and provide for more adequate facilities for the payment of license fees?

The Honourable Sir Thomas Stewart: We have made certain concessions in the past which have not been too successful, namely, the grant of a rebate for prompt payment of license fees.

Mr. S. Satyamurti: I am asking about the agency or the place at which these payments are being made,—may I know whether more and adequate facilities could be provided for the payment of license fees?

The Honourable Sir Thomas Stewart: The best facilities, I think, that exist are that payments be made at a post office.

Mr. Manu Subedar: What is the punishment provided for using a radio without license?

The Honourable Sir Thomas Stewart: That does not arise out of this question.

POSTS SANCTIONED ON RAILWAYS TO STRENGTHEN COMMERCIAL ORGANISATION.

421. *Mr. S. Satyamurti: Will the Honourable Member for Railways be pleased to state:

- (a) the number and salaries of additional posts which have been sanctioned on certain railways to strengthen their commercial organisation;
- (b) how many of these posts are to be held, or are being held, by Indians and how many by non-Indians;
- (c) why non-Indians, if any, have been recruited; and
- (d) whether Railway Board have made a careful calculation of the results of this increase in posts and are satisfied that the expenditure is justified, and, if so, on what grounds?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to page 11 of the second statement issued in November, 1938, showing the action taken on the recommendations of the Indian Railway

Enquiry Committee, a copy of which is in the Library of the House. The pay drawn by the incumbent of each of these posts depends on his year of service in accordance with the scales of pay applicable to the Transportation (Traffic) and Commercial Departments. These scales in respect of the State-managed Railways are detailed in Appendix XVII of the State Railway Establishment Code (a copy of which is in the Library of the House) and on the Company-managed Railways concerned, viz., Bengal Nagpur and Bombay, Baroda and Central India Railways, are practically identical with those on the State-managed lines.

(b) and (c). The posts are included in the regular cadre of each railway, and appointments thereto cannot therefore be regulated as between Indians and non-Indians.

(d) Yes, on the grounds that the additional work involved could not be undertaken without the creation of these posts.

Mr. S. Satyamurti: With reference to the answer to clauses (b) and (c) of the question, I regret I could not follow the answer of the Honourable Member. May I ask for an elucidation, if they are included in the regular cadre what is the difficulty in filling them up with Indians and confining recruitment to non-Indians only in cases where suitable Indians are not available?

The Honourable Sir Thomas Stewart: I am not quite sure that the Honourable Member has understood the position. These posts are being filled up by officers already in the service of Government, and it is manifestly unfair that any discrimination should be made either one way or another.

Mr. S. Satyamurti: May I take it that there is no new recruitment in respect of all or any of these posts?

The Honourable Sir Thomas Stewart: That is perfectly true.

Mr. S. Satyamurti: With reference to the answer to clause (d) of the question, may I know whether, apart from the opinion expressed by my Honourable friend, that is to say, that he cannot see how increased work could be done without increase of posts, Government made any rough calculation of the expenditure involved in the creation of these posts and the likely increase in the railway returns, and come to some conclusion in their own minds that this expenditure is justified from the point of view of rupees, annas and pies?

The Honourable Sir Thomas Stewart: No. I am afraid that it is impossible to draw up a balance sheet of that sort.

GOVERNMENT'S FORWARD POLICY IN THE TRIBAL AREAS.

422. ***Mr. S. Satyamurti:** Will the Secretary for External Affairs be pleased to state;

- (a) whether his attention has been drawn to a recent statement of the Speaker of the Frontier Assembly made at Karachi about the 10th January, that raids are increasing day by day in the Frontier Province;

- (b) whether the attention of Government has been drawn to his statement that the British Government might see their way to revise their present forward policy in the tribal area; and
- (c) whether Government have any present intention to do so?

Sir Aubrey Metcalfe: (a)—(b). Yes.

(c) No.

Mr. S. Satyamurti: May I know, in view of the fact that Government's attention has been drawn to this statement of the Speaker of the Frontier Assembly, whether the Government have examined if those statements are true, and if so, what conclusions they have come to?

Sir Aubrey Metcalfe: Government have certainly examined those statements, but have drawn no particular conclusions from them.

Mr. S. Satyamurti: But are raids increasing day by day in the Frontier Province, or are raids increasing at all?

Sir Aubrey Metcalfe: No. Some days they increase, on other days they do not occur.

Mr. S. Satyamurti: On the whole, on the balance of pluses and minuses are raids increasing, decreasing, or at the same pace?

Sir Aubrey Metcalfe: That is a matter of calculation and also of opinion.

Mr. S. Satyamurti: With regard to the fact that there has been no striking improvement in the number of raids,—I put it only in the negative form—may I know the reasons why Government have no present intention of revising their present forward policy with regard to the tribal areas?

Sir Aubrey Metcalfe: Government are continually considering how to revise their policy, but they cannot do so at a time when they are faced with aggression by the tribes.

Mr. M. Asaf Ali: May I know whether the position of Government today is, that they are actually actively pursuing a forward policy, because, as far as my recollection goes, last time when a similar question was put to the External Affairs Secretary, he said that the Government had no settled policy and it could not be said that they were pursuing a forward policy. But from the answer given today, it appears that the Government are actively pursuing a forward policy. Is that true?

Sir Aubrey Metcalfe: I have not said now that they are pursuing an active forward policy.

Mr. M. Asaf Ali: That is exactly my point. The question was whether the attention of Government has been drawn to the statement that the British Government might see their way to revising their present forward policy in the tribal areas.

Sir Aubrey Metcalfe: The answer was yes, which meant that Government's attention had been drawn to a certain statement.

Mr. M. Asaf Ali: The next part of the question was, whether they have any present intention to do so, that is to say, any intention of revising their present forward policy. The question is whether they are actually pursuing a forward policy or not.

Sir Aubrey Metcalfe: I do not know, Sir, whether you wish me to enter into an argument. It is perfectly plain that the statement here was made, not by me, but by somebody else..

Mr. President (The Honourable Sir Abdur Rahim): The question is based on that assumption.

Mr. S. Satyamurti: What is the policy of the Government now towards the Frontier and its tribal areas?

Sir Aubrey Metcalfe: I am not prepared, Sir, to enter into a full statement of Government policy in reply to a supplementary question.

Mr. Abdul Qaiyum: In view of the fact that all resolutions and adjournment motions about the Frontier policy are disallowed in this House, may I know how Government keep themselves in touch with public opinion in the matter of forward policy?

Sir Aubrey Metcalfe: That does not seem to be a request for information; it seems to be an argument.

Mr. Abdul Qaiyum: I want to know how the Government keep themselves in touch with public opinion. It is a matter costing crores to the people of this country, and I respectfully submit, that the Chair should force the Government Member to answer that question.

Mr. President (The Honourable Sir Abdur Rahim): It is not in the form of a question, but it is an argument.

Mr. Abdul Qaiyum: I want an answer to my question.

Mr. President (The Honourable Sir Abdur Rahim): The Chair disallows the question.

Mr. S. Satyamurti: Have Government any means of consulting public opinion with regard to their present policy in this matter, and, if so, what are those means and are those means being used?

Sir Aubrey Metcalfe: I am not quite clear what the Honourable Member means by public opinion. If he means opinion in this House, there are questions which are constantly asked and supplementary questions which are put.

Mr. S. Satyamurti: So far as questions are concerned, they are no means of expressing the opinion of this House; that is a well known parliamentary thing which you, Sir, know and the House knows, because, when we put questions, we do not raise questions of policy.

Mr. President (The Honourable Sir Abdur Rahim): It is not the case with all questions.

Mr. S. Satyamurti: Sometimes we put down a question seeking to raise a question of policy. But, what I am asking is, whether, apart from the question time, the Government have any means of finding out the opinion of this House on the present forward policy of the Government?

Sir Aubrey Metcalfe: The Honourable Member is just as well able to answer the question as I am. He is always present in the House.

Mr. Abdul Qayyum: In view of the fact that even questions are being disallowed on forward policy—apart from adjournment motions and resolutions—will the Honourable Member tell us how the Government keep in touch with public opinion regarding forward policy?

Mr. President (The Honourable Sir Abdur Rahim): The same question is being repeated. The Honourable Member has added only another argument.

Mr. Badri Dutt Pande: May I enquire if the Government of India have taken the Frontier Government into their confidence regarding this forward policy?

Sir Aubrey Metcalfe: I do not admit that there is a forward policy.

Mr. President (The Honourable Sir Abdur Rahim): Next question.

PROVISION OF A RAILWAY LINE BETWEEN INDIA AND BURMA.

423. *Mr. S. Satyamurti: Will the Honourable Member for Railways be pleased to state:

- (a) whether the question of providing a railway link between India and Burma is being explored or examined;
- (b) whether the Government of India have come to any conclusion and, if so, what it is;
- (c) what will be the cost of the proposal and whether Burma or Great Britain will share in the cost;
- (d) whether the Government of India abandoned an earlier project on financial grounds; and
- (e) whether the Government of India now propose to go on with this project for strategic reasons?

The Honourable Sir Thomas Stewart: (a) There is no such proposal before Government.

- (b), (c) and (e). Do not arise
- (d) Yes.

Mr. S. Satyamurti: Have the Government of Burma made any representation, to the knowledge of the Government of India, to the Secretary of State for providing this railway link between India and Burma?

The Honourable Sir Thomas Stewart: I know of no such representation.

Mr. S. Satyamurti: You are not aware?

The Honourable Sir Thomas Stewart: No.

Dr. Sir Ziauddin Ahmad: May I know whether any reference was made about this question to the Government of India?

The Honourable Sir Thomas Stewart: I have just said that I was not aware of any such representation.

Mr. M. S. Aney: Are the Government aware that there was some such idea present and thought of at one time by the Railway Board, of linking India and Burma by a railway line?

The Honourable Sir Thomas Stewart: I have said "yes" to that part of the question.

RELATIONS OF THE GOVERNMENT OF INDIA WITH THE TRIBES IN THE TRIBAL AREAS.

424. *Mr. S. Satyamurti: Will the Secretary for External Affairs be pleased to state:

- (a) the latest position with regard to the relations of the Government of India with the tribes in the tribal areas;
- (b) whether any peace terms have been settled with them;
- (c) how many tribes and which of them are still at war with the British Government, or the Government of India; and
- (d) whether Government have any hopes of coming to a peaceful settlement with them and, if so, when?

Sir Aubrey Metcalfe: (a) to (d). The Honourable Member is referred to the reply given on the 3rd February, 1939, to his question No. 33G.

Mr. S. Satyamurti: With reference to the answer to clause (c) of the question, my Honourable friend will correct me if I am wrong, I do not remember that Government gave us the names of the tribes with whom they are still at war.

Sir Aubrey Metcalfe: I have referred the Honourable Member to a communique which was published on the 26th January, 1939, of which I laid a copy on the table of the House, and full information of what is going on in Waziristan is contained in that communique.

Mr. S. Satyamurti: What is the answer to clause (d) of the question, that is to say, whether Government have any hopes of coming to a peaceful settlement with them, and, if so, when?

Sir Aubrey Metcalfe: There is always hope.

Mr. S. Satyamurti: Apart from hope springing eternal in the human breast, from the point of view of facts available to my Honourable friend, is there any prospect of relief to the Indian taxpayer by any peace terms being settled with any or all of these tribes?

Sir Aubrey Metcalfe: There is always hope, I cannot say more than that. But I do not think that these hopes are improved by constant discussion in this House.

Mr. S. Satyamurti: May I also return the compliment by saying that these hopes are not improved by this insolent silence on the part of the External Affairs Secretary?

Sir Aubrey Metcalfe: Sir, I resent that remark.

Mr. S. Satyamurti: So do I, the answers.

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks the Honourable Member must withdraw that expression.

Mr. S. Satyamurti: I submit it is perfectly parliamentary. I am referring to the answer.

Mr. President (The Honourable Sir Abdur Rahim): The word "insolent" as applied to the Member is an offensive expression.

Mr. S. Satyamurti: I am using that expression in respect of the silence of the External Affairs Secretary.

Mr. President (The Honourable Sir Abdur Rahim): "Insolent silence" by whom?

Mr. S. Satyamurti: By the External Affairs Secretary.

Mr. President (The Honourable Sir Abdur Rahim): The Chair holds that it is an offensive expression, and the Chair would ask the Honourable Member to withdraw it.

Mr. S. Satyamurti: I withdraw it. May I know why my Honourable friend is silent with regard to all these questions, when we are anxious that there should be a peaceful settlement and the money of the Indian taxpayer should be saved?

Sir Aubrey Metcalfe: I am as anxious as my Honourable friend that a peaceful settlement should come. At present I cannot say when it will come.

Mr. S. Satyamurti: Are any efforts being made to arrive at a peaceful settlement?

Sir Aubrey Metcalfe: Every effort is being made. I have told the House three or four times that overtures have been made in order to secure a settlement and that those overtures have received no answer whatsoever.

Mr. Abdul Qaiyum: May I know if the Faqir of Ipi and the tribes at war with Government have intimated that if this forward policy is stopped they will remain at peace. Is the External Affairs Secretary prepared to deny this?

Sir Aubrey Metcalfe: Certainly, I am prepared to deny it. The only intimation that we have had of any kind is that the Faqir of Ipi will continue the war until a certain lady is handed back to what is described as her Muslim husband.

Maulvi Abdur Rashid Chaudhury: May I know whether any attempt has been made to come to terms with the tribes by giving up their territory?

Mr. President (The Honourable Sir Abdur Rahim): That question has already been asked.

Mr. M. Asaf Ali: With reference to the last answer, will the Honourable Member tell us from what source he has received this information? From the Faqir of Ipi? Is it an authentic statement made by the Faqir or is it from somebody who is acting as a go-between who has given this information.

Sir Aubrey Metcalfe: It is obviously somebody who is acting as a go-between. We have no direct communication with the Faqir of Ipi.

Mr. M. Asaf Ali: May I take it that there is no authentic statement made by the Faqir of Ipi as regards his intentions?

Sir Aubrey Metcalfe: There is great difference between authenticity and directness and as I said we had no direct information, but I do not say that we had no authentic information.

RAIDS IN THE SETTLED DISTRICTS FROM THE FRONTIER TRACTS.

425. *Mr. S. Satyamurti: Will the Secretary for External Affairs be pleased to state:

- (a) the number of raids which have taken place in the settled districts from the frontier tracts during the last three months;
- (b) whether Government have taken any steps in this direction; and
- (c) whether the Government of India are acting in concert with the Government of the North-West Frontier Province in this matter, and, if so, with what results?

Sir Aubrey Metcalfe: (a) Bannu 8, Dera Ismail Khan 9 and Kohat 7.

(b) Yes.

(c) Yes, as a result of co-operation between the Provincial Police on the one hand and the regular troops and Frontier Constabulary on the other hand a large number of raiding gangs have been intercepted and several kidnapped persons have been released. The Provincial Government is also co-operating by taking action against persons residing in the districts who are accomplices of transborder raiders and by blocking offending sections.

Mr. Abdul Qaiyum: May I know if it is a fact, as reported, that only this morning two Hindus and four Muslims were kidnapped. It was published in the papers this morning?

Sir Aubrey Metcalfe: I have not seen the report.

Mr. Abdul Qaiyum: May I know if the Provincial Government have intimated to the Government of India that it is time they cried 'halt' to their policy and tried the method suggested by the Provincial Government. What is the answer of the Government of India to that request?

Sir Aubrey Metcalfe: My answer to the whole question is 'No'.

Mr. S. Satyamurti: With reference to clause (c), my Honourable friend said that the Government are taking steps in this direction. May I know if the steps have been taken in consultation with the Provincial Government, that is to say, that the nature of the steps has been approved by the Government of the N.-W. F. P.?

Sir Aubrey Metcalfe: That should have been clear from the answer I gave. All steps taken inside the settled districts of the province have been taken, I understand, with the approval of and previous consultation with the Provincial Government.

Mr. S. Satyamurti: With regard to the steps taken just outside the settled districts, which have got a very intimate bearing on the effectiveness or otherwise of the steps taken inside the settled districts, may I know whether the Government of India consult the Provincial Government most intimately concerned and take their opinion and act according to them.

Sir Aubrey Metcalfe: The Government of India do not consult them. Any consultation that takes place would be between the Agent to the Governor General who is on the spot and his Ministers.

426. *Sardar Mangal Singh: I do not want to ask question No. 426.

CONSUL-GENERALS, ETC., APPOINTED BY THE GOVERNMENT OF INDIA.

427. *Sardar Mangal Singh: Will the Foreign Secretary please state:

- (a) in which countries the Government of India have appointed Consul-Generals or any other representatives; and
- (b) how many of these consular appointments are held by Indians?

Sir Aubrey Metcalfe: This is a question which should have been addressed to the Honourable Member for Commerce and Labour.

Mr. President (The Honourable Sir Abdur Rahim): Sardar Mangal Singh. The Honourable Member cannot ask question No. 428 as he has exceeded his five questions.

Sardar Mangal Singh: I have not asked question No. 426.

Mr. President (The Honourable Sir Abdur Rahim): Even so, this will be the sixth question. He has seven questions down in all.

The Chair would inform the Honourable Member that he must give previous notice if he does not wish to ask any particular question. That is the practice.

OPENING OF A FLAG STATION AT JASSOWAL ON THE NORTH WESTERN RAILWAY.

†428. ***Sardar Mangal Singh:** Will the Honourable Member for Railways please state:

- (a) whether it is a fact that the reply to my starred question No. 1182, dated the 10th November, 1938, that the question of providing an *unmanned halt* between Gill and Kila Raipur near Jassowal was examined in April, 1938, and found not to be commercially justifiable is wrong in that as a matter of fact, the station was actually opened on 1st November, 1938; and
- (b) what was the income of this station during the month of November, 1938?

The Honourable Sir Thomas Stewart: (a) No. The decision to experiment with an unmanned halt at Jassowal was arrived at subsequent to April, 1938.

(b) Rs. 470.

REDUCTION IN THE NUMBER OF SUBURBAN TRAINS BETWEEN BOMBAY AND KALYAN AND HARBOUR BRANCH.

429. ***Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable the Railway Member please state whether it is a fact that the Great Indian Peninsula Administration reduced the number of suburban trains on 1st January, 1939, between Bombay and Kalyan and Harbour Branch?

- (b) How many such trains were stopped?
- (c) Were they stopped in the interest of economy?
- (d) Are these suburban lines worked at a loss or at profit?

The Honourable Sir Thomas Stewart: (a) Yes; from the 1st December, 1938.

- (b) Details are not available.
- (c) Yes.
- (d) At a loss.

Mr. Manu Subedar: Have Government considered the competition of buses on this route covered by the suburban traffic in Bombay and have Government examined the proposal of the Railway company to run buses of their own in order to recover the loss in revenue?

†Answer to this question laid on the table, the questioner having exhausted his quota.

The Honourable Sir Thomas Stewart: I submit, Sir, that the question of rail-road competition does not arise from this question.

Mr. Manu Subedar: I submit it does. The Honourable Member said that these suburban trains are run at a loss. I want to know the causes.

Mr. President (The Honourable Sir Abdur Rahim): There may be many causes.

Mr. Manu Subedar: I want to know whether the Railway will run their own buses?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better give notice.

STOPPING OF TRAINS BY PULLING COMMUNICATION CORDS AT MATUNGA AND OTHER PLACES.

430. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Railway Member please state if it is a fact that some residents of Matunga and other places adopted a new form of civil disobedience by stopping trains by pulling communication cords?

(b) Was all traffic held up for several hours on all lines?

(c) What action did the Railway authorities take in this matter, and what were the subsequent events?

The Honourable Sir Thomas Stewart: (a) and (b). Yes.

(c) The services of the Railway and City Police were requisitioned. The demonstrators were eventually persuaded to leave the railway premises.

RESTORATION OF SERVICES RUNNING AT A LOSS ON THE GREAT INDIAN PENINSULA RAILWAY.

431. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Railway Member please state whether it is not a fact that the Honourable the Home Member of the Bombay Government forced the Great Indian Peninsula Railway Administration to reinstate the full service which was running at a loss?

(b) Do Government propose to ask the Bombay Government to pay the loss sustained by the Great Indian Peninsula Railway for increased unjustified service?

(c) What action did the Bombay Government take against persons who held up the Railway service on the main line for five hours?

The Honourable Sir Thomas Stewart: (a) No. After discussion with the Honourable the Home Minister, a partial restoration during certain hours was decided on.

(b) Does not arise.

(c) I understand that no action was taken by the Bombay Government in this instance.

Dr. Sir Ziauddin Ahmad: May I understand that the G. I. P. Railway administration attempted to reduce the number of trains in the interests of economy.

The Honourable Sir Thomas Stewart: The Honourable Member can draw his own deductions from the answers I have given.

Dr. Sir Ziauddin Ahmad: What is the reply on this particular point?

The Honourable Sir Thomas Stewart: In reply to part (a) of question No. 429, I said "Yes".

Mr. Manu Subedar: Do not Government repudiate the insinuation in this question that there was any loss incurred by the G. I. P. through the action of the Bombay Government?

The Honourable Sir Thomas Stewart: What I do not admit is that any positive action by the Bombay Government caused the loss.

ADMINISTRATION OF THE INDEPENDENT TERRITORY AND THE TRIBAL BELT.

432. *Mr. M. Asaf Ali: (a) Will the Foreign Secretary please state whether it is a fact that political officers who are answerable to the External Affairs Department for the administration of the tribal belt, consisting of about 15 lakhs of tribesmen, are the same as the Deputy Commissioners of the settled districts?

(b) Will the Foreign Secretary further state how much money is annually allocated to the administration of (i) the independent territory and (ii) the tribal belt, separately?

Sir Aubrey Metcalfe: (a) I do not know what the Honourable Member means by the "tribal belt". Deputy Commissioners of the settled districts of the Frontier Province are in political charge of certain tribal areas adjoining their districts.

(b) I do not know what the Honourable Member refers to as "independent territory". There is only one grant for civil expenditure which pertains to all the tribal areas which adjoin the North-West Frontier Province.

Mr. M. Asaf Ali: With reference to the reply to part (a) of the question, since the Honourable the External Affairs Secretary has not understood my question, I may just as well make my position perfectly clear as to what I mean by "tribal belt". I take it that the North-West Frontier is divided into three parts,—the settled districts, the tribal belt, and the independent territory

Sir Aubrey Metcalfe: On a point of order, Sir, the Honourable Member is giving incorrect information to the House

Mr. M. Asaf Ali: Sir, the Honourable Member has asked me a certain question and I have got to make my position clear.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has given an explanation of what he means by "tribal belt", but if "tribal belt" is not the expression which is generally used to indicate what area is intended

Mr. M. Asaf Ali: Precisely, that is my contention; I am prepared to prove to the satisfaction of the Secretary that the expression "tribal belt" has been used for the last fifty years in all the reports that have been published. I am taking these words only from the reports and nowhere else. There are the words "Indian territory" used in official Reports and also the words "tribal territory". The "tribal belt" consists of 15 lakhs of human beings and the independent territory consists of another 15 lakhs of human beings and these are two different tracts. I want Government to make the position clear as regards these people. In so far as the question of control is concerned, my point is very simple: the same Deputy Commissioner who is administering the settled districts is also in control of the tribal area, which means a dual control, and which makes the position of the Deputy Commissioner absolutely impossible. I just want to know what the Secretary has got to say to that.

Sir Aubrey Metcalfe: All that I have to say, Sir, is that the Honourable Member is giving information which is incorrect, and I do not know what information he wants from me.

Mr. M. Asaf Ali: Does the Honourable Member deny that Deputy Commissioners are under dual control, viz., under that of the Provincial Government and of the External Affairs Department? Does he deny that?

Sir Aubrey Metcalfe: No, I have already said that the Deputy Commissioners of the settled districts of the Frontier Province are in political charge of certain tribal areas adjoining their district.

Mr. M. Asaf Ali: I want to know whether these Deputy Commissioners have to look for their promotion to the External Affairs Department or to the Provincial Government or to both.

Sir Aubrey Metcalfe: That appears to be an argument which does not arise out of this question.

Dr. Sir Ziauddin Ahmad: Is there any portion of land between India and Afghanistan which the Honourable Member calls "independent territory"?

Sir Aubrey Metcalfe: No, absolutely none. All the territory which lies between the Frontier Province and the international frontier known as the Durand Line is part of India and is not independent.

Mr. M. Asaf Ali: Is the Secretary aware of the fact—and if he likes I will produce the book—that there is a geography which is being taught today in the Frontier Province to every child where the whole of the territory lying between the Durand Line and settled districts is described as "independent territory"?

Mr. President (The Honourable Sir Abdur Rahim): This is a matter for discussion and not one for question and answer.

Mr. M. S. Aney: Who is the author of that book of geography?

Mr. President (The Honourable Sir Abdur Rahim): That book is not under consideration.

Mr. M. Asaf Ali: That description appears also in the reports. However, there is no answer vouchsafed to me under head (b), viz., "how much money is annually allocated to the administration of (i) the independent territory, and (ii) the tribal belt, separately"?

Sir Aubrey Metcalfe: I have given a perfectly clear reply by saying that there is one grant for the whole of the tribal areas. The Government of India recognize no distinction and no discrimination between what the Honourable Member describes as "independent territory" and "tribal belt". There is, therefore, only one grant.

Mr. President (The Honourable Sir Abdur Rahim): Next question.

RAIDS FROM THE INDEPENDENT TERRITORY.

433. *Mr. M. Asaf Ali: (a) Will the Foreign Secretary please state whether Government have ever considered facts and figures relating to external raids from the independent territory?

(b) If so, will they please lay on the table a clear statement of relevant facts stating:

- (i) the number of raids in each year from 1901,
- (ii) the number of Hindus and Muslims killed, wounded, kidnapped, ransomed or released without ransom, and the aggregate value of the property looted,
- (iii) the distance of the strategic roads or railways, or the number of military outposts and fortresses annually constructed in the independent territory, and
- (iv) the number of punitive actions taken against persons belonging to the independent territory or the tribal belt, in the form of fines, aerial bombing, military action, detention as hostages, punitive and economic blockades?

(c) Will Government further state whether it is a fact that (i) no less than 400 crores have been spent on the North-West Frontier Province during the past ninety years, including, of course, the expenditure on the Afghan Wars, and (ii) no less than 18 crores is being spent annually on the North-West Frontier Province in—(1) subvention, (2) External Affairs Department; administration of North-West Frontier Province, (3) loss on strategic Railways, (4) average expenditure on major and minor military operations, and (5) maintenance of military centres and outposts throughout the North-West Frontier Province? If not, will the Foreign Secretary, in consultation with the Defence Secretary, please give the House accurate information on the subject?

Sir Aubrey Metcalfe: (a) It is not understood what the Honourable Member means by independent territory, since no territory lying within India between the border of the administered districts and the Durand Line is independent. It is all classified as tribal area. Government are constantly considering facts and figures relating to raids for the tribal areas adjoining the North-West Frontier Province.

(b) and (c). Government do not consider that they would be justified in incurring the trouble and expense which would be involved in the collection of the information asked for by the Honourable Member. The

Honourable Member will be able to obtain much of the information he requires from the Border Administration Reports, which are published annually.

Mr. M. Asaf Ali: With reference to the answer to part (c), I take it that the Secretary for External Affairs is not prepared to supply this information and says that it can be gathered elsewhere. Now does the Secretary deny the fact that no less than four hundred crores of rupees have been spent in the Frontier Province during the last ninety years? Does he deny that fact?

Sir Aubrey Metcalfe: I am not prepared either to deny or to accept it, without an examination of figures which I do not consider to be worth the trouble and expense involved.

Mr. M. Asaf Ali: With reference to part (c) again, does the External Affairs Secretary deny the fact that no less than eighteen crores are being incurred every year in connection with North-West Frontier under these various heads—subvention, external affairs, etc.?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got them all.

Mr. M. Asaf Ali: Does the Honourable Member deny that?

Sir Aubrey Metcalfe: I am not prepared either to deny or to admit it without an examination which I am not prepared to undertake.

Mr. M. Asaf Ali: Sir, this time I am not asking for ninety years' figures; I am only asking for the yearly account. Is this expenditure being incurred yearly on the North-West Frontier?

Mr. President (The Honourable Sir Abdur Rahim): He has given the information; he is not prepared to give more information.

Mr. Muhammad Nauman: What is the constitution of the "tribal area"? If it is not independent territory, which is the sovereign power for that area?

Mr. President (The Honourable Sir Abdur Rahim): The House cannot have such discussion.

Mr. S. Satyamurti: With reference to the answer to the last part of clause (c) of the question, the Honourable the Secretary for External Affairs said that he would neither deny nor confirm the statements made. Now, will he consult the Defence Department and give us an accurate piece of information on the subject, viz., what is the actual amount spent year after year on these various subjects mentioned in clause (c)?

Sir Aubrey Metcalfe: It is given in the body of the Budget; the Honourable Member can examine it for himself if he wishes.

EXPIRY OF CONTRACTS OF TELEPHONE COMPANIES AT CERTAIN PLACES.

434. *Mr. Manu Subedar: (a) Will the Honourable the Communications Member please state on which dates the contracts of the telephone companies in Bombay, Calcutta and Madras expire respectively?

(b) Have Government received any representation from these companies for a renewal?

(c) Have Government received any representation from public bodies, or the municipal corporations of these cities, on the subject of any such renewal?

(d) Have Government considered the proposal to take over these telephones when the contracts expire, and to merge the administration with that of Government Telephones?

(e) What was the annual gross profit of each of these companies during the last twelve months for which accounts are available?

(f) What was the gross profit of the operation of Government Telephones during the last twelve months for which accounts are available?

The Honourable Sir Thomas Stewart: (a) The licenses of the telephone companies referred to expire in 1963 but Government have the option to terminate them by giving a year's notice either in 1943 or in 1953.

(b) No.

(c) Communications have been received from some Chambers of Commerce but none from the municipal corporations of the cities concerned.

(d) The matter is under the consideration of Government.

(e) It is not clear what the Honourable Member means exactly by the term "gross profit". I lay on the table a statement showing for the different companies the figures arrived at after deducting from gross receipts working expenses, provision for depreciation and payment of royalties, rates and taxes.

(f) On a comparable basis the figure for the Government telephone system after deducting from gross receipts the working expenses, royalties from companies and provision for depreciation but not interest, was 33 lakhs.

Statement.

	Rs.
Madras Telephone Co. for the year ending 31st December 1937	2,85,447
Bombay Telephone Co. for the year ending 31st December 1937	14,06,048
Bengal Telephone Corporation for the year ending 30th June 1938	13,36,314

Mr. Manu Subedar: With regard to the reply to part (b), have Government also under consideration the question as to the adequacy of the telephone administration under their charge to work these companies in the event of their contracts lapsing and Government deciding to take them over?

The Honourable Sir Thomas Stewart: Sir, that will be a very relevant consideration when the problem is under review.

Mr. K. Santhanam: May I ask if Government have got their own Telegraph Department working in Calcutta side by side with the Bengal Company telephone system?

The Honourable Sir Thomas Stewart: There is a question to that effect later.

Mr. K. Santhanam: In view of the fact that that question will not be reached today, may I ask whether it is not a fact that even the Railway Administrations under the Railway Board are taking their connections from the Company and not from the Government Department?

The Honourable Sir Thomas Stewart: Is it right, Sir, on the part of the Honourable Member to anticipate the answer to a question which comes later on in the list?

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member is not prepared to give the answer now, he is within his rights.

(b) WRITTEN ANSWERS.

RADIO PIRACY CAMPAIGN.

435. *Mr. Manu Subedar: (a) Will the Honourable the Communications Member please state the result from the various Provinces of the recent anti-radio piracy campaign?

(b) How many prosecutions have been instituted?

(c) What is the maximum punishment that could be awarded to these parties under the law, and what punishments, if any, have been awarded so far?

(d) Have Government considered the desirability of imposing the obligation on the radio dealers of informing the All-India Radio of the name and address of every party to whom a radio is sold?

(e) Has this proposal formed the subject matter of discussion between the Controller of Broadcasting and radio merchants? If so, when and with what results?

The Honourable Sir Thomas Stewart: (a) The intensified campaign against radio piracy commenced on the 16th January, 1939, in certain towns in different Postal Circles. The number of persons found to be in possession of wireless sets without valid licenses in the various Postal Circles since that date is 481.

(b) It is reported that so far forty-three prosecutions have been instituted.

(c) I would refer the Honourable Member to section 20 of the Indian Telegraph Act, 1885, and to section 6 of the Indian Wireless Telegraphy Act, 1933, copies of which are in the Library of the House. No information is available as to the punishment awarded in the prosecutions referred to in part (b)

(d) and (e). No.

DIPLOMATIC AND CONSULAR EXPENDITURE IN CERTAIN COUNTRIES.

436. *Mr. O. N. Muthuranga Mudaliar: Will the Foreign Secretary please state:

- (a) the result of the Government of India's discussions with the British Government regarding the revision of the present allocation of Diplomatic and Consular expenditure in Iran and the Persian Gulf so as to relieve the Indian exchequer;
- (b) whether Government propose to consider the desirability of taking up with the British Government the question of similar revision in respect of expenditure on Kabul, Nepal, Kashgar, Addis Ababa and Baghdad; if not, why not; and
- (c) whether it is a fact that the policy of the Government of India in these places is controlled by the British Government?

Sir Aubrey Metcalfe: (a) The Honourable Member's attention is invited to the reply given to question No. 276, asked by Mr. T. S. Avinashilingam Chettiar in the present Session.

(b) Until a decision regarding the incidence of diplomatic and consular expenditure in Iran and the Persian Gulf is reached the Government of India do not think it advisable to raise the question in respect of similar expenditure in other countries.

(c) The position is that relations with these countries are conducted by His Majesty's Government who invariably consult the Government of India on matters affecting India.

RESTRICTIONS ON FOREIGNERS IN INDIA AND ON INDIANS IN CERTAIN COUNTRIES.

437. *Mr. O. N. Muthuranga Mudaliar: Will the Foreign Secretary please state:

- (a) the number of foreigners in India;
- (b) the number of Germans, Spaniards, Italians, Hungarians and Japanese;
- (c) whether there are any restrictions imposed on the nationals referred to in part (b); and
- (d) whether there are any restrictions to which Indians are subject in Germany, Spain, Italy, Hungary and Japan?

Sir Aubrey Metcalfe: (a), (b) and (c). Should have been addressed to the Honourable the Home Member.

(d) The Government of India have no information regarding any restrictions against Indians in the countries named, nor have they received any complaints on the subject.

INDIANS EMPLOYED BY STATE IN EUROPEAN COUNTRIES AND AMERICA.

438. *Mr. O. N. Muthuranga Mudaliar: Will the Foreign Secretary please state whether, and if so, how many, Indians are employed by the State in any capacity in the European countries and America, apart from the League of Nations?

Sir Aubrey Metcalfe: The Government of India have no information.

OPENING OF POINT CALIMERE PORT FOR FOREIGN TRADE.

439. *Mr. O. N. Muthuranga Mudaliar: Will the Honourable Member for Communications please state:

- (a) whether the Government of Madras have suggested to the Government of India that Point Calimere Port might be opened up for foreign trade and linked with one of the ports in Ceylon;
- (b) that this route be made the Indo-Ceylon route;
- (c) whether any action has been taken in the matter, and if not, at what stage the matter now is; and
- (d) whether Government are aware that the opening up of the Point Calimere-Kanesanthurai is welcomed by the Ceylonese?

The Honourable Sir Thomas Stewart: (a) and (b). Yes.

(c) The matter is under the consideration of the Government of India.

(d) I have no information.

NEWSPAPERS APPLYING FOR REGISTRATION IN THE UNITED PROVINCES.

440. *Pandit Sri Krishna Dutta Paliwal: Will the Honourable Member for Communications be pleased to state:

- (a) how many newspapers applied for registration to the Postmaster General, Lucknow (United Provinces) in 1938;
- (b) how many of them were registered;
- (c) the date on which they applied;
- (d) the date on which they were registered in each case;
- (e) the reason or reasons for the delay; and
- (f) whether Government are aware of the losses the newspapers are put to on account of this delay?

The Honourable Sir Thomas Stewart: (a) 216.

(b) 149.

(c), (d) and (e). I lay on the table a statement giving the information required by the Honourable Member.

(f) No and I can only repeat the reply I gave to the Honourable Member's starred question No. 548 in this House on the 15th September, 1937, that there is no reason to believe that there is undue delay when all the conditions that have to be fulfilled are complied with.

Statement showing particulars of newspapers which applied for registration and were registered during 1938.

Serial No.	Name of paper.	Date of application.	Date of actual registration.	Remarks.
1	Alfalsh . . .	19-8-1938	17-10-1938	Enquiry.
2	Mathur Valsh Hitalshi .	21-2-1938	24-3-1938	Enquiry. List of subscribers received on 3rd March, 1938.
3	Gaur Punch . . .	19-8-1938	29-9-1938	Enquiry.
4	Swatantrata . . .	31-1-1938	9-3-1938	Enquiry. District Magistrate's certificate received on 28th February, 1938.
5	Employment Gazette .	26-9-1938	27-10-1938	Enquiry. Copy of the paper received on 20th October, 1938.
6	Swarajya Sandesh . .	25-4-1938	25-6-1938	Enquiry.
7	Yadava Chhattri . .	7-2-1938	24-2-1938	Enquiry.
8	Asad . . .	21-6-1938	8-7-1938	Enquiry. Form of application received on 29th June, 1938.
9	Al-Aziz Wal-Ansar .	2-7-1938	24-8-1938	Enquiry. Requisite papers received on 26th July, 1938.
10	Aj (Weekly) . . .	13-7-1938	18-7-1938	
11	Guru Ghantal . . .	21-5-1938	1-7-1938	Enquiry. District Magistrate's certificate received on 1st June, 1938. Copy of the paper received on 27th June, 1938.
12	Navin Bharat . . .	31-5-1938	20-7-1938	Enquiry. District Magistrate's certificate received on 19th June, 1938. Copy of the paper received on 16th July, 1938.
13	Modern Times . . .	3-6-1938	9-7-1938	Enquiry.
14	Batohi . . .	2-5-1938	4-7-1938	Enquiry (subscribers mostly in villages.)
15	Cawnpore Weekly Market rate.	19-8-1938	6-10-1938	Enquiry. List of subscribers received on 10th September, 1938.
16	Qayad Moradabad . .	20-4-1938	21-6-1938	The requisite documents were received on 11th May, 1938.
17	Vijayee Bareilly . .	8-2-1938	14-4-1938	Requisite documents were received on 25th February, 1938.
18	Vijai (Basti) . . .	1-2-1938	19-3-1938	Enquiry.
19	Naya Jiwan . . .	13-8-1938	6-9-1938	Enquiry.
20	United Church Review (Monthly).	21-9-1938	17-10-1938	Enquiry.
21	Desh Doot (Allahabad) .	20-7-1938	26-8-1938	Enquiry.
22	Addal (Lucknow) . .	9-11-1938	13-12-1938	Enquiry.
23	National Herald (Lucknow).	23-7-1938	26-8-1938	Requisite documents received on 15th August, 1938.
24	Prakash (Lucknow) . .	21-3-1938	26-4-1938	Requisite documents received on 1st April, 1938 and enquiry.
25	Magrib (Lucknow). . .	21-10-1938	3-11-1938	Enquiry.
26	Chingari . . .	19-8-1938	14-9-1938	Documents received on 30th August, 1938 and enquiry.
27	Nava Hindustan . . .	22-11-1938	23-12-1938	Enquiries.
28	Aligarh Herald . . .	28-3-1938	26-4-1938	Copy of the paper received on 13th April, 1938 and enquiry.
29	Al-Hillal . . .	23-8-1938	15-9-1938	Enquiry. List of 50 <i>bona fide</i> subscribers submitted thrice was found unsatisfactory.
30	Daily Wakil . . .	9-5-1938	21-5-1938	Enquiry. Copy of paper received on 7th May, 1938.
31	Khamil . . .	20-6-1938	18-7-1938	District Magistrate's certificate on 17th July, 1938.

Statement showing particulars of newspapers which applied for registration and were registered during 1938—contd.

Serial No.	Name of paper.	Date of application.	Date of actual registration.	Remarks.
32	Ahrar (Bareilly) . . .	9-8-1938	15-8-1938	Printed form of application received on 9th September, 1938 and enquiry.
33	Railway Workmen's Advocate.	2-5-1938	20-6-1938	Enquiries.
34	Gurdwara Journal . . .	13-7-1938	27-8-1938	District Magistrate's certificate received on 15th August, 1938 and enquiry.
35	Rahbar Postman . . .	15-2-1938	30-3-1938	District Magistrate's certificate received on 4th March, 1938 and enquiry.
36	Indian Temperance News and White Ribbon	10-3-1938	5-4-1938	District Magistrate's certificate received on 4th April, 1938.
37	E. I. Railway Guides Association Bulletin.	8-8-1938	17-9-1938	Copy of paper received on 15th September, 1938.
38	Sadal-Dun	16-9-1938	13-10-1938	Enquiry.
39	Urmila	4-3-1938	30-3-1938	Enquiry. (Registration subsequently cancelled.)
40	Himalaya Kcsari . . .	24-9-1938	20-10-1938	Enquiry. (Registration subsequently cancelled.)
41	Gramin	12-4-1938	18-6-1938	Enquiries had to be made twice as in the first instance they were found to be unsatisfactory.
42	Miran	31-3-1938	29-4-1938	Enquiry.
43	Imroz	15-9-1938	11-10-1938	Enquiry.
44	Kahani	28-9-1938	6-12-1938	Copy of the paper was received on 29th November, 1938.
45	Kanauj Samachar . . .	14-9-1938	10-11-1938	Non receipt of the copy of the newspaper till 4th November, 1938.
46	Kirti Lehar	10-11-1938	22-12-1938	Enquiry.
47	Tarang	22-1-1938	16-2-1938	Copy of the paper received on 14th February, 1938.
48	Achal	17-2-1938	8-3-1938	Enquiry.
49	Vijay	26-2-1938	3-3-1938	Enquiry.
50	Nakhuda	3-10-1938	17-10-1938	Enquiry.
51	Mahnama	12-11-1938	15-12-1938	Enquiry.
52	Nonk Jhonk	17-11-1938	17-12-1938	Enquiry.
53	Bebak	22-9-1938	19-10-1938	Enquiry.
54	His Highness	29-8-1938	6-10-1938	Enquiry. Requisite papers received on 22nd September, 1938.
55	Railway Chronicle . . .	24-9-1938	29-10-1938	Enquiry. Form of application received on 15th October, 1938.
56	Penal Reformer	17-12-1938	28-12-1938	Requisite papers received on 23rd December, 1938.
57	Hul	22-10-1938	5-11-1938	Enquiry.
58	Nyaya	12-10-1938	8-12-1938	Enquiry had to be made twice. Requisite papers received on 12th November, 1938.
59	Karmayogi	13-9-1938	28-9-1938	Enquiry. Copy of the paper received on 28th September, 1938.
60	Savadhan	26-9-1938	29-11-1938	Enquiry had to be made twice.
61	Bharatendu	30-9-1938	17-10-1938	Enquiry. Copy of the paper received on 6th October, 1938.
62	Jiwan Jeoti	7-9-1938	26-9-1938	Enquiry.

Statement showing particulars of newspapers which applied for registration and were registered during 1938—contd.

Serial No.	Name of paper.	Date of application.	Date of actual registration.	Remarks.
63	Gahan . . .	12-8-1938	31-8-1938	Enquiry.
64	Hamdard . . .	25-10-1938	28-11-1938	Enquiry.
65	Nyaya . . .	12-10-1938	8-12-1938	Enquiry and non receipt of proper list of subscribers.
66	Rashtriamat. . .	2-9-1938	30-3-1938	Enquiry.
67	Chakkallas . . .	25-3-1938	23-4-1938	Enquiry.
68	Samaj . . .	14-3-1938	5-4-1938	Enquiry.
69	Comrade . . .	8-3-1938	29-3-1938	Enquiry.
70	Agarwala Hitaichi . .	11-4-1938	9-5-1938	Enquiry.
71	Sangram . . .	21-6-1938	1-8-1938	Enquiry. Subscribers in villages.
72	Malumat Islam . .	18-7-1938	22-9-1938	Enquiry.
73	Municipal Review . .	9-8-1938	22-9-1938	Enquiry.
74	Nava Sandesh . .	23-6-1938	2-8-1938	Enquiry. Subscribers mostly in villages.
75	Moraqqa-i-Nihataur . .	25-3-1938	14-4-1938	Enquiry.
76	Revenue Reports . .	17-1-1938	14-12-1938	Enquiry
77	Criminal Reports . .	17-1-1938	17-2-1938	Enquiry.
78	Kirti Kisan . . .	29-1-1938	10-2-1938	Enquiry.
79	Dibal Daily market report	10-1-1938	22-2-1938	Enquiry.
80	Sangharsh . . .	24-1-1938	14-2-1938	Enquiry.
81	Jyoti Kiran . . .	19-1-1938	25-2-1938	Enquiry.
82	Swaraj. . . .	5-1-1938	16-2-1938	Enquiry.
83	Achhut Faryad . . .	26-1-1938	28-2-1938	Enquiry.
84	Khel	6-1-1938	20-1-1938	Enquiry.
85	Tanzeem	5-1-1938	26-2-1938	Enquiry. Subscribers not being available for enquiry.
86	Ghalib	28-1-1938	5-8-1938	Enquiry. Subscribers in villages.
87	National Gazette . .	26-1-1938	24-2-1938	Enquiry.
88	Azad Baharat . . .	10-10-1938	25-10-1938	Enquiry. Subscribers in villages.
89	Sahitya Sandesh . .	6-10-1938	1-12-1938	Enquiry. Subscribers in villages.
90	Naujawan	29-9-1938	28-11-1938	Enquiry. List of subscribers received on 3rd November, 1938.
91	Adhikar	1-10-1938	10-12-1938	Enquiry. Copy of the paper received on 12th November, 1938.
92	Amar	20-1-1938	19-2-1938	Enquiry.
93	The Echo	10-1-1938	17-2-1938	Enquiry.
94	Congress Samachar . .	18-5-1938	3-9-1938	Enquiry. Copy of paper sent on 4th August, 1938.
95	Prabha	14-4-1938	2-8-1938	Enquiry. Copy of publication received on 28th July 1938.
96	Sandesh	24-3-1938	31-3-1938	Enquiry.
97	Congress (Weekly news-paper).	20-7-1938	17-9-1938	Enquiry. Copy of publication received on 8th August, 1938.
98	Kisan Sewak . . .	24-3-1938	7-4-1938	Enquiry.
99	Laljhanda	7-2-1938	23-2-1938	Enquiry.

Statement showing particulars of newspapers which applied for registration and were registered during 1935—contd.

Serial No.	Name of paper.	Date of application.	Date of actual registration.	Remarks.
100	Rais	26-1-1938	19-2-1938	Enquiry.
101	Navin Bharat . . .	29-1-1938	16-2-1938	Enquiry.
102	Nationalist India . .	24-1-1938	18-2-1938	Enquiry.
103	Harishchandra . . .	5-1-1938	9-2-1938	Enquiry.
104	Shankhnad	15-1-1938	22-2-1938	Enquiry.
105	Dehat	23-3-1938	20-5-1938	Enquiry. Complete papers not received till 2nd May, 1938.
106	Braj Sandeh Muttra .	24-9-1938	14-11-1938	Requisite documents were received on 5th October, 1938.
107	Khalid Deoband (Saharanpur).	28-3-1938	7-5-1938	Enquiries were completed on 30th April, 1938.
108	Mecca (Bijnor) . . .	22-4-1938	20-7-1938	Magistrate's certificate was received on 11th July, 1938.
109	Sudershan (Muttra) .	30-3-1938	25-7-1938	The copy of the paper was received on 19th July, 1938.
110	Mera Parcha (Allahabad)	12-2-1938	29-4-1938	The complete list of subscribers was received on 21st April, 1938.
111	Sunday Gossips (Allahabad).	2-3-1938	29-4-1938	Enquiries.
112.	Congress	10-1-1938	29-4-1938	Enquiries proved unsuccessful in the first attempt.
113	Jhunjhana (Agra) . .	3-10-1938	16-11-1938	The contents were not in accordance with the rules.
114	Satyavir (Agra) . . .	14-5-1938	5-9-1938	The enquiries proved unsuccessful in the first attempt.
115	Viplava (Lucknow) . .	17-10-1938	11-11-1938	Enquiries.
116	Sarguzasht	4-10-1938	16-11-1938	Enquiries.
117	Kirti Lehar (Meerut) .	24-2-1938	1-10-1938	Enquiries in the first attempt were not successful. Besides the contents were not in accordance with the rules.
118	Swarajya (Aligarh) . .	17-1-1938	2-4-1938	The list of subscribers was received on 2nd March, 1938.
119	Moon-light	15-6-1938	29-6-1938	Enquiries.
120	Chandausi weekly market report.	6-3-1938	4-5-1938	Enquiries.
121	Prakash	19-2-1938	14-4-1938	Enquiry had to be made twice.
122	Utkarsha	1-3-1938	6-4-1938	Enquiry.
123	Haji Shakur Haji Karim Market Report.	4-4-1938	4-5-1938	Enquiry. Copy of the paper received on 16th April, 1938.
124	Shanishchar	26-4-1938	3-8-1938	Enquiry.
125	Chingari	22-2-1938	21-3-1938	Enquiry. District Magistrate's certificate received on 2nd March, 1938.
126	Shiksha Sudha	14-1-1938	4-3-1938	Enquiry.
127	Sangram	13-1-1938	18-2-1938	Enquiry.
128	Sultan	24-9-1938	10-10-1938	Enquiry.
129	Balark	10-1-1938	16-2-1938	Enquiry. Form of application received on 20th January, 1938.
130	Hukumat	28-4-1938	7-6-1938	Enquiry. Form of application received on 16th May, 1938.

Statement showing particulars of newspapers which applied for registration and were registered during 1938—concl'd.

Serial No.	Name of paper.	Date of application.	Date of actual registration.	Remarks.
131	Roopabhi . . .	8-8-1938	26-8-1938	Enquiry.
132	Ruhani Alam . . .	26-5-1938	22-7-1938	Enquiry. Necessary papers received on 16th July, 1938.
133	Daily Toofan . . .	18-5-1938	23-6-1938	Enquiry. Form of application received on 31st May, 1938.
134	Habeeb . . .	12-5-1938	8-7-1938	Enquiry had to be made twice as in the first instance, it was unsatisfactory.
135	Rahbar . . .	7-1-1938	20-1-1938	Enquiry. Form of application received on 14th January, 1938.
136	Nava Sandesh . . .	2-6-1938	2-8-1938	Enquiry. District Magistrate's certificate received on 28th June, 1938.
137	Lucknow Diocesan Chronicle.	6-5-1938	26-7-1938	Enquiry had to be made twice.
138	Haq-parast . . .	15-7-1938	9-8-1938	Enquiry.
139	Chand . . .	3-11-1938	8-12-1938	Enquiry. Copy of the paper received on 9th November, 1938.
140	Bekar Sakha (Weekly) .	22-1-1938	19-2-1938	Enquiry.
141	Jame-Jehan-Numa .	15-9-1938	20-9-1938	Enquiry.
142	Stree Bhushan . . .	21-2-1938	29-3-1938	Enquiry.
143	Spirit of the Times .	1-8-1938	29-8-1938	Enquiry.
144	Darshak . . .	2-2-1938	8-3-1938	Enquiry.
145	Vijal . . .	6-4-1938	7-5-1938	Enquiry. Necessary papers received on 29th April, 1938.
146	Janata . . .	25-5-1938	28-6-1938	Enquiry.
147	Yogesh . . .	14-2-1938	19-3-1938	Enquiry.
148	Kisan . . .	8-1-1938	8-2-1938	Enquiry.
149	Hal . . .	19-10-1938	5-11-1938	Enquiry.

PIE POSTAGE FOR NEWSPAPERS CIRCULATING IN RURAL AREAS.

441. *Pandit Sri Krishna Dutta Paliwal: Will the Honourable Member for Communications be pleased to state :

- how many newspapers circulating in rural areas weigh four tolas or less;
- the loss the Government may be put to if pie postage is introduced for such papers; and
- whether Government intend to introduce pie postage for such papers with effect from the next financial year?

The Honourable Sir Thomas Stewart: (a) and (b). The information is not available.

(c) I am afraid I must ask the Honourable Member to wait for the budget statement of my Honourable colleague, the Finance Member.

**QUALIFICATIONS FOR APPOINTMENT AS ENGINEERING SUPERVISORS AND
WIRELESS OPERATORS.**

442. *Babu Kailash Behari Lal: (a) Will the Honourable Member in charge of Communications be pleased to state what are the requisite qualifications for candidates for the posts of engineering supervisors and wireless operators under the Posts and Telegraphs Department?

(b) Is it a fact that the Civil Engineering diploma of the Bihar College of Engineering is not recognized for the posts of engineering supervisors and wireless operators under the Posts and Telegraphs Department?

(c) Have the Local Government of Bihar made any representation to the Government of India in the Department of Posts and Telegraphs for the recognition of the civil engineering diploma of the Bihar College of Engineering for the posts of engineering supervisors and wireless operators under the Posts and Telegraphs Department?

The Honourable Sir Thomas Stewart: (a) and (b). I would refer the Honourable Member to the Department of Communications Resolution No. S.-116/3, dated the 9th August, 1938, a copy of which is in the Library of the House. It will be seen that the Subordinate Civil Engineering diploma of the Bihar College of Engineering is recognised.

(c) No.

**PRINCIPLE FOLLOWED IN PROMOTING CLERICAL STAFF IN THE DINAPUR
DIVISION OF THE EAST INDIAN RAILWAY.**

443. *Babu Kailash Behari Lal: Will the Honourable Member for Railways be pleased to state:

- (a) what principle is followed in the matter of promotion of the clerical staff in the Dinapur Division of the East Indian Railway in calculating seniority;
- (b) if it is a fact that sometimes the total length of service from the date of appointment has been made the basis of computing seniority and at other times seniority in a particular grade was taken to be the basis;
- (c) if it is a fact that on account of this fluctuating basis, there have been representations from the staff adversely affected;
- (d) if it is a fact that the Railway authorities have considered the representations from the point of view of possible charges of favouritism involved in the above method of promotion followed by the authorities; and
- (e) if the answers to parts (b), (c) and (d) be in the affirmative, whether Government propose to point out to the Railway authorities to fix one uniform principle in the matter of promotion?

The Honourable Sir Thomas Stewart: (a) to (d). Government have no information. I would, however, refer the Honourable Member to the reply I gave to Maulvi Syed Murtuza Sahib Bahadur's question No. 106 on 23rd March, 1938.

(e) I am sending a copy of this question to the General Manager, East Indian Railway, for such action as he may consider necessary.

**WANT OF LATRINES IN THIRD CLASS COMPARTMENTS ON THE BIHAR
BAKHTIARPUR LIGHT RAILWAY.**

444. *Babu Kailash Behari Lal: Will the Honourable Member in charge of Railways be pleased to state:

- (a) if it is a fact that in the Bihar Bakhtiarpur Light Railway there is no latrine provided in the third class compartments;
- (b) if the intermediate and other upper class compartments have got latrines in that Railway; and
- (c) if the Railway authorities have received complaints regarding want of latrine in the compartments of the Bihar Bakhtiarpur Light Railway and what has been the result of the complaints?

The Honourable Sir Thomas Stewart: The information is being obtained and will be laid on the table of the House in due course.

NON-BROADCASTING OF SCHOOL PROGRAMMES IN KANARESE.

445. *Sri K. B. Jinaraja Hegde: Will the Honourable Member for Communications be pleased to state:

- (a) whether it is a fact that broadcasting is not made in Kanarese language either from Bombay or Madras stations, though there is a large Kanarese speaking area of about one lakh square miles;
- (b) whether it is a fact that while school programmes are being broadcasted from Bombay station in Marathi, Hindi and Gujrati, the Station Director refused to broadcast school programmes in Kanarese for schools in Karnatak districts, even on representations made to him to that effect;
- (c) whether there is any proportion fixed between English and Indian programmes; if there is none, whether the Central Government are prepared to fix a proportion of English programmes to Indian programmes; and
- (d) whether Government are prepared to direct that at least 75 per cent. of the programmes be in Indian languages?

The Honourable Sir Thomas Stewart: (a) No.

(b) School broadcasts in Marathi and Gujrati are given from the Bombay Station. A representation for school broadcasts in Kanarese was made to the Station Director, Bombay, but as the number of schools in the Kanarese speaking area which listen in to these programmes is very small, the request could not be entertained.

(c) and (d). No Government do not consider it necessary to fix any proportion between the hours of transmission devoted to English and Indian programmes. I may add, however, for the information of the Honourable Member that the proportion of time devoted to Indian programmes is in practice higher than that suggested by him.

ASSEMBLING OF LOCOMOTIVES IN RAILWAY WORKSHOPS.

446. *Mr. K. Santhanam: Will the Honourable Member for Railways please state:

- (a) whether there are sufficient facilities for assembling locomotives in the Railway Workshops;
- (b) the percentage of cost of assembling to the cost of the parts;
- (c) the difference in freight between getting the locomotive assembled outside and brought to India and getting the parts and assembling them in India; and
- (d) whether Government propose to consider the question of assembling the locomotives in India as far as possible?

The Honourable Sir Thomas Stewart: (a) The Honourable Member presumably refers to the existing alternative practice of shipping locomotives to India either fully erected or packed in cases in which case the answer to part (a) is in the affirmative.

(b) The cost of assembly of locomotives received packed in cases approximates four per cent. of their landed cost.

(c) No specific figures are available but generally speaking there is no appreciable difference between the freight charges on locomotives packed in cases and locomotives shipped fully erected. The latter method has, however, the advantages that erection costs are eliminated and the locomotives are placed in service earlier.

(d) Government propose to continue the existing procedure under which locomotives are shipped fully erected when this is both feasible and financially advantageous. The Honourable Member will appreciate that in the case of metre gauge railways shipment of locomotive fully erected is often impracticable due to the absence of metre gauge rail connection at some ports.

MANUFACTURE OF CAPROTTI VALVE GEAR PARTS OF LOCOMOTIVES IN INDIA.

447. *Mr. K. Santhanam: Will the Honourable Member for Railways please state:

- (a) whether Caprotti valve gear parts of locomotives are not very costly;
- (b) whether any Railway Administration has protested against the high cost of such parts; and
- (c) whether they cannot be manufactured in India?

The Honourable Sir Thomas Stewart: (a) and (b). The purchase prices of Caprotti valve gear parts recently purchased have been considered by some Railways to be unduly high compared with their probable works manufacturing costs. The matter has been taken up with the manufacturers

(c). Yes, but both material and special plant would have to be imported for their satisfactory production. The limited demand for such parts at the present time would also render the manufacture in India of parts now imported uneconomical.

MANUFACTURE OF BOILERS IN RAILWAY WORKSHOPS.

448. *Mr. K. Santhanam: Will the Honourable Member for Railways please state:

- (a) whether many of the Railway workshops in India have every facility for building boilers;
- (b) whether boilers were actually being built during the war and some years of the post-war period;
- (c) how many boilers were so manufactured and in which years;
- (d) why the practice of manufacturing boilers was given up; and
- (e) whether the Railway Board or any Railway Administration have any plan of reviving the manufacture of boilers?

The Honourable Sir Thomas Stewart: The information is being collected and will be laid on the table of the House in due course.

STOPPAGE OF TRAINS AT HALTING PLACES ON THE ASSAM BENGAL RAILWAY.

449. *Maulvi Abdur Rasheed Chaudhury: (a) Will the Honourable the Railway Member please state whether Assam Bengal Railway train stops at Bhattapatak where there is no station office?

(b) What are the other stations at which there is no station office, although the Assam Bengal Railway trains halt there and take passengers?

(c) Is it not a fact that passengers have to come and wait at these halting places for the trains, both in the sun and rain and that there is no shed for their protection there?

(d) Is it not a fact that guards have to issue tickets at these stations and that consequently there is unauthorised delay in the running of trains?

(e) Is it a fact that guards issue only third class tickets up to next station and that the passengers suffer a good deal of inconvenience in running for tickets at the next stations?

(f) Is it a fact that there are as many as nineteen such stations on the Assam Bengal Railway?

(g) Is it a fact that no railway officer attends to the passengers at these stations, and there remain chances of accidents at such stations as the passengers of the train get down and get into the train while it is still running?

(h) Do the Railway authorities contemplate providing station office and staff at these stations, or in the alternative for the safety of passengers contemplate stopping halt at these stations?

(i) Is it a fact that there were station offices and staff at these stations previously and, if so, what is the reason for their withdrawal?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) and (f). A list giving the names of these unattended halts is laid on the table.

(c) Yes. Action is being taken to provide shelters at all unattended halts.

(d) It is a fact that in some cases guards of trains issue tickets: in other cases, contractors are employed to sell tickets on a commission basis.

(e) No.

(g) No. The guard attends to the needs of passengers. No accidents have been reported to the Administration.

(h) and (i). No. Ten of the twenty unattended halts used to be stations and were converted into unattended halts as they proved unremunerative. The Administration states that the closing of any of these unattended halts would be strongly resented by the local public.

List giving the names of unattended halts on the Assam Bengal Railway.

1. Bandua Gaulatpur.	11. Bhattapathak.
2. Jalsuka.	12. Dagaon.
3. Phakhoagram.	13. Melamati.
4. Tarabari.	14. Kalikaprasad.
5. Bengura.	15. Machai Siding.
6. Paikpara.	16. Madhu Road.
7. Nutanpara.	17. Bipulashar.
8. Bishka.	18. Hashimpur.
9. Heearanpur.	19. Kaibalyadham.
10. Shakir Muhammad.	20. Kujibali.

NEGOTIATIONS FOR ACQUIRING GWADAR ON THE MAKARAN COAST.

449A. *Mr. M. Asaf Ali: Will the Secretary for External Affairs please state:

- whether Government have been engaged in any negotiations for acquiring Gwadar on the Makaran Coast for the purpose of establishing a naval base in the Persian Gulf;
- whether these negotiations are still in progress, and, if so, what is the result so far;
- whether Government have also been engaged in any negotiations with the Khan of Kalat for the similar purpose of acquiring a port on the Makaran Coast;
- whether they are also contemplating (i) the termination of the lease of Kalat Territory and (ii) setting up Kalat as an independent State and in return they are negotiating or assisting some private concern in negotiating the lease of oil-fields in Kalat State; and
- if the answer to any of the foregoing parts be in the affirmative, which part of Baluchistan Government propose to retain and what will be its constitutional position in relation to the neighbouring Province, the North-West Frontier Province?

Sir Aubrey Metcalfe: (a), (c) and (d). No.

(b) and (e). Do not arise.

RAID ON BANNU.

449B. *Mr. M. Asaf Ali: (a) Will the Foreign Secretary be pleased to state what steps were taken by Government to prevent the raid of the 2nd July, 1938 upon Bannu?

(b) What was the strength of the Army and the Frontier Constabulary, on that date, and what was the strength of the raiders as against the former?

(c) How long did it take the raiders to cross over from the Independent Territory to Bannu, and what steps did the Frontier Constabulary and the Brigadier take (i) to prevent, and (ii) to pursue the raiders?

Sir Aubrey Metcalfe: (a) The Honourable Member is referred to the reply given to part (a) of question No. 647 asked by Mr. Abdul Qaiyum in this House, on the 31st August, 1938.

(b) The military strength at Bannu on the 23rd July, 1938, was one sub-section armoured cars, one Indian cavalry regiment (less two squadrons) and one Indian infantry battalion (less one platoon): The strength of the Frontier Constabulary was three platoons. The strength of the raiders has been estimated at 400, but no accurate figure can be stated.

(c) The Deputy Commissioner received information about 10-30 A.M. on the 23rd July that Mehr Dil with a lashkar was in the neighbourhood of Gumbatti on the border some ten miles from Bannu. The report suggested that the lashkar were about to attack Khassadar Posts and the Ahmadzai Jirga was immediately summoned and despatched with the Political Tahsildar to oppose the lashkar with the Ahmadzai Khassadars. The Brigade Commander was also informed and aerial reconnaissance was attempted but was found impossible owing to bad visibility. A heavy downpour of rain from 4 P.M. onwards rendered communication by signal with the border posts impossible and it was not until 8 P.M. that the lashkar was seen in the bed of the Kurram River close to Bannu Cantonment and City. Immediate steps were taken with all the forces available to deal with the lashkar. Efforts to cut off the retreat of the raiders were hampered since after the raid the gang broke up with small parties dispersed over a wide area and great difficulty was experienced in obtaining accurate and timely information regarding the location and routes taken by these parties.

MONEY SPENT ON THE INDEPENDENT TERRITORY AND TRIBAL BELT FOR PROVISION OF CERTAIN AMENITIES.

4490. *Mr. M. Asaf Ali: Will the Foreign Secretary please state how much of the money spent on (i) the independent territory, (ii) the tribal belt, is annually allocated to:

- (a) the establishment of educational institutions,
- (b) hospitals and dispensaries,
- (c) construction of reservoirs to relieve scarcity of water,
- (d) establishment of industries,
- (e) working the mineral resources,
- (f) the encouragement of improved cultivation wherever possible, and
- (g) finally on allowances and Mawajibs?

Sir Aubrey Metcalfe: The expressions used by the Honourable Member "independent territory" and "tribal belt" are not recognised by the Government of India, since the whole of the territory between the administered districts and the Durand Line is classified under the Government

of India Act as "tribal areas" and no part of it is "independent". The figures for actual expenditure in the year 1937-38 for the tribal areas bordering the North-West Frontier Province are as follows :

(a) Rs. 1,27,271.

(b) Rs. 1,61,781.

(c) to (f). The information is not readily available.

(g) Rs. 8,85,085.

There are of course tribal areas in Baluchistan and other parts of India but figures for these areas have not been collected, as I have assumed that the Honourable Member was referring only to tribal areas connected with the North-West Frontier.

RULING *RE* MOVING OF RESOLUTIONS.

Mr. President (The Honourable Sir Abdur Rahim): Honourable Members will remember that I promised to give a ruling on the question that when Resolutions are put down and there is a Resolution in the name of one Member and in the event of that being barred, another Resolution has been put down in the same name, whether he is entitled not to move the first Resolution standing in his name and then move the second Resolution. Under Schedule I to the Standing Orders, in the case of a ballot for Resolutions, any Member who has given notice of a Resolution may have his name entered in the list against one number only. As Honourable Members are not in a position to know whether a Resolution named by them will be blocked under Standing Order 31 by another Resolution on the same subject obtaining an earlier place in the ballot, they are advised in the usual circular to name more Resolutions than one in the order of their preference and to authorise the Secretary to put down any of their Resolutions on the list in the event of their first choices being blocked. It will thus be seen that the sole object of indicating alternative Resolutions is to ensure that success in the ballot is not nullified by the operation of Standing Order 31. That relates to a Resolution being barred by a motion that has already been made. The indication of alternative Resolutions does not give a Member the right to select a Resolution on the floor of the House. To avoid any misunderstanding, the position is always explained in the remarks column of the circular intimating the result of the ballot. It is, therefore, clear that the right to move a particular Resolution is subject to the limitations indicated in the heading prefixed to each alternative Resolution in the List of Business.

RESOLUTION *RE* HAND-MADE MATCHES.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I move :

"That this Assembly recommends to the Governor General in Council that with a view to encouraging the manufacture of matches with the aid of hand appliances as a cottage industry the rebate on hand-made matches be enhanced and that the licence fees on such producing concerns be reduced."

That more avenues of employment are necessary for our people, if the appalling poverty and misery that exist in the country are to be removed, is undisputed; and that this can only be done by the advancement of

[Mr. Sri Prakasa.]

industry is also beyond doubt. To have an adequate number of large factories and mills with large capital outlay is a dream that is not going to be fulfilled in the near future. Therefore, the only method by which we can combat the evils that exist is by encouraging cottage industries. The cottage industries, if properly handled, can relieve unemployment and also improve and extend our manufactures. If Aligarh can produce locks and Benares its brocade; and if Kashmir can produce shawls through its cottage industries on a commercial scale, surely it is possible to have other industries also which can be produced on a similar scale by the same methods. If I am not mistaken, the great industry of watch-making is a cottage industry in Switzerland. If such delicate mechanism as that of a watch can be produced in a cottage, then the simpler things that we, in India, need can be produced there with greater ease. We have only to search out what things can be produced in our cottages and what would be most easily produced. I feel that matches are such things and I venture to move this Resolution this morning in the hope that all sides of the House will accept it.

So far as I have been able to find out, India at the present moment consumes 17 million gross boxes of matches. My mathematics has always been bad, but from such calculations as I could make I find that our consumption comes to about eight boxes of 40 or 60 sticks per man per year in our country. The amount consumed is comparatively small because those who smoke—and those who continue to smoke in the division lobbies despite your reprimand—know that they consume almost a box a day. But the average inhabitant of our country consumes only about six boxes per year. Today a match box can be obtained with such ease that we are perhaps inclined not to value its importance very much; but if we think of the days when Prometheus is supposed to have gone to Heaven in search of fire and if we wander about in the remote parts of our northern hills, we will find that it is not so easy to produce fire as it is by merely striking a match. In the hills we still find men carrying *chakmak* stone, with the help of which they miraculously produce fire, and if one makes gift of a match box to them, they regard it as a most valuable gift that they can think of.

Sir, I should like, with your permission, to give in a few words the history of the use of matches in our country. As a boy, I remember that I could purchase for a pice two boxes of matches and I also remember that on more than one occasion I have counted the number of sticks in each box and I always found that the number was 80. Today you can only purchase a box of 40 sticks for a pice. In those days, all these matches came from Sweden. Later on, after the Russo-Japanese War, when Japan rose in all her splendour both politically and economically, Japan and Sweden shared the Indian market half and half. After the great European War however Japan monopolised the Indian market but again lost half of that market to Sweden by 1923. But the Swedish people being enterprising in match making, of both descriptions as my Honourable friend, Mr. Boyle, knows, monopolised our market again. In 1922, the Government of India, for the sake of increasing their revenue, imposed a heavy customs duty of Re. 1-8-0 per gross. The purpose was a legitimate one of improving the revenues of the country, but it further served the additional legitimate purpose of working as a protective duty. Factories sprang up in India after the imposition of this customs duty. The Indian factories

were very small, but the foreign factories brought foreign capital and established huge concerns in our country. The result of this was, so far as I have been able to study the figures, that the customs revenue decreased and from 154 lakhs it threatened to go down to 95 lakhs. This was, naturally, followed by an enquiry by the Tariff Board. In 1934, an excise duty was levied at the rate of eight annas for a gross of match boxes containing 20 sticks each. So, Sir, the peak was reached and while in 1923 and 1924 the Government got by the import duty a sum of 138 lakhs, in 1936-37, by a combination of this import duty and excise duty they got a sum to the tune of 238 lakhs.

Sweden, however, was in control all the time. I find that 70 per cent. of the world trade in matches is monopolised by Sweden. The Indian Tariff Board report says:

"While we think that nothing has so far occurred in the activities of the Swedish match company in India which calls for Government action, it must be admitted that the resources of the Swedish company are sufficient, if it so desired, to crush for a time at least all competition from Indian firms and can capture for itself the whole of the Indian market."

This, Sir, is rather ominous and, therefore, I feel that it was unfortunate that one of the findings of our Tariff Board was :

"We consider that the manufacture of matches organised as a cottage industry has hardly any future and that on account of the dangerous character of some of the materials employed in it, it is not a fit industry for development on cottage lines. We cannot, therefore, recommend any special measures for the encouragement of cottage match factories."

Still, Sir, this finding is tempered by the recommendation :

"If, however, an excise duty is imposed on matches manufactured in India, a reduction not exceeding two annas per gross should be made in the case of cottage factories in consideration of their limited resources."

The Excise Acts and orders as now in force work something like this : All premises where matches are manufactured have to be licensed, and whether the factory is big or small, the license fee is Rs. 100. The registration of the premises is an annual affair and every year a factory, large or small, has to pay a sum of Rs. 100. Then, Sir, there is a rebate of ten pies per gross boxes of 40 sticks in case of cottage factories; and cottage factories being defined as those which do not produce more than 100 gross per day. The Government realise this excise duty by the sale of banderoles. I do not know how many Honourable Members of this House, as they use the familiar match boxes, know what these banderoles are, and what are these that obstruct them from getting at the matches quickly. These banderoles are sold by Government and all match-boxes have to be fastened by them. The excise duty is recovered by the sale of these.

Now, our scheme is that match making can be made a cottage industry if the State helped indirectly—not directly, but only indirectly—by a proper and equitable revision of the rules and tariffs. I find, Sir, that waste paper and bamboos can be utilised in plenty for the production of matches and that two lakhs of people can get almost immediate employment. It is also said by those who know, that children at school can be taught this work and so they can meet a good portion of the expenses of their schooling and make up for the loss in labour that their families incur by their being absent at school. Therefore, our recommendations are that the rebate should be enhanced and instead of ten pies, as it is at present, it should be raised at least to the maximum amount that the Tariff Board itself recommended, namely, two annas per gross.

[Mr. Sri Prakasa.]

We also feel that the license fees should be reduced when matches are produced in cottages and they should not be required to pay the amount that large factories have to pay. Today, whether your factory is a small one or a huge one, you have to pay Rs. 100. The larger factories may be asked to pay more, but, in any case, these smaller workshops in the villages should not be required to pay so much. On the ground of general principle too, it does seem to me that having a flat rate like that is not proper or equitable. We also recommend that there may be some change in the method of supervision which is very expensive at the present moment because they have to post *chaprasis* at practically every factory and they have also to have many Inspectors. We also suggest that there may be a change in the method of selling these banderoles which may be sold through the post office, for instance, like revenue stamps. I hope, Sir, that these recommendations will meet with the approval of the House.

I cannot close better than by quoting the eloquent words of Mr. Satish Chandra Das-Gupta who has successfully carried out experiments in this line in his Khadi Pratishthan. He says :

"The villages are dying for want of industries. Mere agriculture cannot support the people. This has been proved beyond doubt. If all the necessary articles are produced in large factories, the villagers and cottagers are bound to be starving. If we convert all our jute into bags in jute mills, if we make all our sugar in sugar mills, our soaps in mammoth soaperies, our cloth in cotton mills, our leather in huge tanneries, our shoes by tens of thousand pairs per day in single factories, our matches in automatic machines, and our paper by tons in paper mills, and husk our paddy in rice mills, and grind our flour in flour mills and press our oil seeds in oil mills, what will be left for the villagers to do but to die."

Mr. President (The Honourable Sir Abdur Rahim): Resolution moved.

"That this Assembly recommends to the Governor General in Council that with a view to encouraging the manufacture of matches with the aid of hand appliances as a cottage industry the rebate on hand-made matches be enhanced and that the license fees on such producing concerns be reduced."

Mr. J. D. Boyle (Bombay: European) : Sir, my Honourable friend, Mr. Sri Prakasa, referred to my connection with Sweden, but I ask the House to believe me that my mind is not now so inflamed that I am unaware of the claims of the Indian industry.

The underlying object of this Resolution, if I understand it correctly, is so to lower the duty on hand-made matches that the industry can become a source of economic wealth and prosperity to the country. If I am right, I should like to make it clear at the start that I am not going to be drawn into any theoretical discussion as to the economic value of cottage industries. But I feel that because Mahatma Gandhi has given the full weight of his support to the encouragement of cottage industries, perhaps a somewhat misguided enthusiasm has inspired this Resolution now before the House. It is obviously clear that certain types of industry lend themselves to adaptation as cottage industries and as such they must offer relief to those who are not able even to provide for themselves the mere necessities of life and also may form very usefully a supplement to a family's income. And, at the same time, it was pointed out by an Honourable Member in this House, only a day or two ago, that the estimated figure of unemployment in this country was approximately 25 millions. That is an appalling figure and anything that we can do to reduce it should have our enthusiastic support. But it is necessary when examining which industries are most suit-

able for adaptation as cottage industries that we should be careful to see that they can be of real economic value to the country and that the conditions of the workers are not such as my Honourable friend, Mr. Joshi, would describe as sweated, and that they are also not deleterious to public health. First of all, I should like to deal with the question of whether a cottage industry does in fact provide employment for those who are completely unemployed or can be described as providing a supplement to the income of the family whose menfolk are (let us say) working in the fields. A study of this subject has revealed the fact that there are three types of persons connected with the cottage industry. There is, of course, the employer and the employee but there is also, which is far more important, the commission agent who is really our old friend the money lender under another name. Now it will be realised that there are different conditions existing in different parts of India, but I have tried, and I think with some success, to make an average which would be applicable to the whole of India. The employer is, I think I can honestly say, only a very nominal person. He is, if it is really a cottage industry, a very poor man and he has to have certain plant, elementary though it may be, for the manufacture of these matches. He has to have money for the raw materials,—wood, paper and chemicals; he has to have money for the license fee that Government imposes, and he has to have money for the banderoles which, I think, can best be described as a sort of receipt for the excise duty payable to Government which are pasted on each box of matches before it can be sold.

An Honourable Member: What will be the total amount?

Mr. J. D. Boyle: I will come to that; I will give the figures.

Now, it is a fact that can be readily established that so much in control of the business is the commission agent that it is he in fact who collects the ready-made boxes from the cottages, it is he who stores them in his own godowns and who sells them to the retailer. The nominal owner has no part in that whatsoever. Now, let us take a very average cost statement. Taking the average, which is actually drawn out for South India but which is applicable to the Bombay Presidency as well to my knowledge, the average cost of manufacture in the cottage industry of a gross of match boxes is anything from Rs. 1/5/- to Rs. 1/5/6. In quite a large number of cases, which were investigated, the commission agent insisted on those boxes being sold to him at less than the cost price, the apparent loss being the return to him for the capital loan or the interest on the loan. But I will not take these very extreme examples but the average maximum profit that is made by the owner is approximately $4\frac{1}{2}$ to $4\frac{1}{2}$ annas. Now let us see who does make money out of this match industry. First and foremost come Government who make Re. 1 per gross on the excise duty. Then comes the commission agent who, on a very wide survey, makes approximately 12 per cent. on his loan. And then comes the retailer who, whatever the cost of manufacture may be and however cheaply it may be sold, sells the boxes at three pies each, so that he makes a clear profit of 12 annas a-gross. The owner, who is the real man that we are trying to help by the cottage industry, makes an average of $4\frac{1}{2}$ to $4\frac{1}{2}$ annas per gross out of which he has to pay the workers their salary. From that I think you will agree with me that there is extremely little reason why we should support that middleman, the commission agent. These figures are very easily established and have been drawn out in the form of statistics by a gentleman who would please my Honourable friend, Mr. Joshi, as he was an Indian lately in the International Labour Office at Geneva.

[Mr. J. D. Boyle.]

Now, it appears, as I was saying, that the commission agent who is in fact the middleman does not really deserve our support. But the Government of India, in their wisdom, have given a rebate of five per cent. on the small scale industry of which to my personal knowledge I can say that 100 per cent. goes into the hands of the commission agent. That enables that commission agent to compete with the bigger scale factory,—the bigger scale factory which comes under the Factories Act, which has, therefore, to conform to certain rules and regulations laid down by this House and which provides infinitely better conditions of labour, produces an infinitely better match and pays infinitely more revenue to the Government of India. Now I do not complain of the theory which actuated Government in giving that rebate. It was clearly to assist the small industry as against the big; but I will now try and prove to you that it is not in fact a cottage industry at all. I can only tell you that in the overwhelming number of cases the work is not done in the homes of the people who are employed. You can readily understand that if the workers are scattered over a large area and boxes made there it will cost a considerable amount to collect these together before they are sold, and the commission agent will not do that. Therefore, all the workers are brought together from distances one of which to my knowledge was two miles. The workers have to come two miles to the central hut which may or may not be used as a dwelling place,—that is immaterial,—and they work there in just sufficiently small numbers to prevent them coming under the Factories Act. There may be three cottages together in a row so as to avoid it; there may be as many as sixty people employed in that particular factory but they are put into separate cottages in order to avoid them coming under the terms of the Factories Act. That is not a cottage industry at all. That is not a means of supplementing a person's income—it is a full time occupation; and a survey of the number of hours done by these workers shows it to be something between eight and ten hours a day. Now that is a whole time industry under wretched conditions producing a wretched match which incidentally is a very serious loss to the consumer because, as my Honourable friend, Mr. Sri Prakasa, has pointed out, matches are really universally used throughout the whole of India. If I may sum up this particular point, it is only a very clever move on the part of the moneylender to transfer a large scale industry into small scale workshops so as to get the benefit of the rebate and that is where all the benefit is going.

My Honourable friend, Mr. Sri Prakasa, referred to an article by Mr. Satish Chandra Das Gupta which appeared in the *Modern Review* for April of last year. The basis of that article, as I understood it, was that since the cottage industry employed approximately ten times as many people to make the same number of matches as a properly organised factory, if the cottage industry was properly organized it would make at any rate some contribution to overcoming the problem of unemployment. But I would very sincerely suggest that the conditions of the cottage industry should be very carefully examined by Government before anything is done which is likely to break down the competition of the bigger factory, and I would ask the House to bear in mind the fact that as things are at present, to a very large extent indeed this is not a cottage industry as the word is ordinarily understood in the country: it is not a supplement to a family's income: it is a whole-time occupation, under wretched conditions, for wretched wages, and with the result that the quality of matches throughout the country has been greatly lowered. In conclusion, since I see my

time is nearly up, I would also point out that this is going to mean a very serious loss of revenue to Government which is a point which presumably they will look after themselves and so I do not intend to go into it here, except to say that if we are prepared to ask the House to recommend to the Government of India that they should give up any considerable volume of their revenue in order to support an industry such as a cottage industry for matches, we should have a great deal more information at our disposal as to the benefit that will accrue from that support. Sir, I oppose the Resolution.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): Sir, India is a land of villages and is likely to continue to be a land of villages for at least some time to come. But what is the condition of the villages at the present moment? All the villages are in a decadent condition. The people are extremely poor, and there is unemployment and under-employment everywhere. Now, is it or is it not desirable to remedy this state of things? The Government have no difference with the people in this regard. A few years ago, the Government of India sanctioned the sum of more than a crore of rupees for village reconstruction. The people also have taken up the cry of village reconstruction and Mahatma Gandhi's interest in the matter has given a great spirit to that movement. But how are the villages to be reconstructed? At the present moment there are very few occupations which the villagers have besides agriculture. In order to revive the villages you will have to give the people some occupations, occupations independent of, as well as subsidiary to, agriculture. It is suggested that the match industry in an occupation which the villagers can engage themselves in. My friend, Mr Boyle, says that this is not suitable as a cottage industry...

Mr. J. D. Boyle: Not suitable, if I may say so, under present conditions.

Dr. P. N. Banerjea: But the conditions can be changed. There is no reason why those conditions should continue for ever. The conditions are not unchangeable. I have myself visited some of these cottage factories and I can assure you that matches can be made in these small cottages as a cottage industry without any great difficulty. My friend, Mr. Boyle, sheds tears for the consumer. He says that the consumer would suffer. Whenever there is competition between an Indian industry and a foreign industry our friends always shed tears for the consumers. My friend also sheds tears for the labourers and various other classes of people. He asked, why should the middleman or the commission agent have so much money? What is the objection? It is not impossible to eliminate the commission agent; there may be Co-operative Societies which may finance these cottage industries and there may be other ways of financing the production and retail sale of cottage matches. But if there are no other ways, I would prefer helping this commission agent rather than helping Sweden. It should be remembered that the bulk of the match industry is in the hands of foreigners. Why should the foreigners gain at the expense of the people of the country?

Mr. B. Das (Orissa Division: Non-Muhammadan): And one company!

Dr. P. N. Banerjea: We are all in favour of discriminating protection, but in this case the advantage is gained not by the people of this

[Dr. P. N. Banerjea.]

country but by foreigners. The sacrifice is made by the people here but the advantage goes to the foreigner. The time has come when this state of things should be put an end to. (Interruption.) Whether that is a possibility or not I am not discussing at the present moment. But I do suggest that matches can be made a cottage industry, and such a cottage industry deserves the help of the entire people of the country. As regards the distribution of these matches, when they are in villages there is no need of commission agents. In every village there are unemployed persons who can carry them from one village to another and sell them. So that difficulty can be obviated very easily.

As regards loss of revenue, we suggest that at present moment a rebate to the extent of two annas per gross boxes should be granted, and this was the sum suggested by the Tariff Board. Further, we demand that a concession should be made in the matter of license fees. The license fees are now fixed at the rate of Rs. 100 for all factories—large, or small, or conducted on a cottage scale. This is very unjust. When a cottage industry which employs only a few hands, say four or five persons, is asked to pay Rs. 100, it is a great burden on that industry; but when a large match factory has to pay Rs. 100, it is no burden at all on it. This state of things should be remedied and the concession that is asked for is that in the case of cottage match industries a nominal license fee should be fixed, say Rs. 10 or Rs. 5. Then there are other facilities which can be granted. The method of supervision can be simplified and banderoles can be sold in the post offices. If all these steps are taken, the match industry, on a cottage scale, can be made successful, and those who have doubts in this regard will do well to visit the cottage match factory started by Mr. Satish Chandra Das Gupta at Sodepur. This will convince my doubting friends that it is not an impracticable proposition . . .

Dr. F. X. DeSouza (Nominated Non-Official): Is it a cottage industry at Sodepur?

Dr. P. N. Banerjea: Yes, Sir.

The Honourable Sir Nripendra Sircar (Law Member): Just as this is a cottage industry!

Dr. P. N. Banerjea: What is it, Sir?

The Honourable Sir Nripendra Sircar: Just as this is a cottage industry!

Dr. P. N. Banerjea: I am unable to understand that joke.

There is no likelihood of a loss of revenue. I submit that the industry is in an infant and experimental stage at the present moment. When there is an apprehension of a serious loss, the matter may be referred to a Tariff Board for enquiry, and, if necessary, the Tariff Board may fix a higher scale of excise duty for the larger factories. There is no justification why these larger factories in the hands of foreigners should make huge profits at the expense of the consumers of this country. But that time is not yet. It is not necessary to have an investigation made by a Tariff Board just now. What is necessary at the present moment is to encourage the match industry, on a cottage basis, so that it may stand on its own legs; and when the revenue is threatened, then other steps can be taken.

Sir, the demand which has been made by this Resolution is a very modest one, and I hope the House will accept this demand and that the Government will also accede to it, so that a great boon may be conferred on the rural population of this country.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan). Sir, I rise to support the Resolution which reads thus:

"That this Assembly recommends to the Governor General in Council that with a view to encouraging the manufacture of"

Mr. President (The Honourable Sir Abdur Rahim): It has been read out already.

Mr. Muhammad Nauman: Very well, Sir, then I will try to be brief, as my friend, Mr. Sri Prakasa, when moving same has already explained the importance of it.

In the first place, I should like to point out that there is one country more than any another which laid great stress on the encouragement and development of cottage industries, and it is Japan, and there they succeeded so well that even industrially advanced countries like England and America could not keep pace with Japan in the industrial sphere. Sir, India, with her vast population and with her vast army of unemployed millions who number about 25 millions or so according to some calculations, I think, is in a position to embark on an industrial programme on cottage lines in regard to the manufacture of matches, because I think the match industry would not be a bad beginning to start with. What this Resolution asks for is really a very modest demand. We do not want to suggest anything which will suddenly cripple the big match factories of this country. Our demand is a very modest one, and that is, we ask you to give a small rebate and also to reduce the license fees.

Then, the question is whether the Government of India will lose any big revenue. I do not know it. The Honourable the Finance Member is the proper person to say whether he has calculated any figures of loss that is likely to accrue to Government if they assisted and encouraged this cottage industry.....

Dr. P. N. Banerjee: Not immediately.

Mr. Muhammad Nauman: At any rate, for the present I do not think that there is any prospect of the Government of India losing any substantial sum, and in view of the fact that the Government of India have shown their anxiety for the uplift of the rural population and for rural reconstruction programme, I think they ought to encourage this industry, because, after all, if there is a deficit in the budget, we have to meet it from some source or the other, and Government need not bother about same.

Then, my friend, Mr. Boyle, stated that the average profit that a large scale manufacturer will make cannot be expected to be more than four or five annas a gross, and he said that the agent would be making a big profit of something like twelve annas a gross, and these agents would be able to compete with the factory produced matches. My friend, Mr. Boyle, does not like that these agents should be given any opportunity of receiving preferential treatment. Of course, as things are today in India,

[Mr. Muhammad Nauman.]

it may be possible, because the co-operative societies are not as yet working on national lines, and the Government of India also is not probably willing to subsidise, directly or indirectly, the cottage industries as the Japanese Government did in the beginning. Bankers in India are mostly foreign and those that are Indian are not yet in a position to finance cottage industries. Why should any one grudge the Indian agent for making a little more money? Why should you term him or class him as a money-lender? It is not a crime to be a money-lender and if he is going to finance our industries and assist poor people, why should he not get a share? I am sure my friend, Mr. Boyle, will admit that in England and other countries most of the industries are financed by managing agents, commission agents or financiers, and if he does not grudge them making larger amounts of money there, why should my friend grudge our Indian friends making a little more money in India. It is really a mystery to me.

Another point to which I should like to draw the attention of the House is this, that if we succeed after an experiment of two or three years in establishing match industry on a cottage industry basis, probably it will give an impetus to people to go in for other kinds of industries on cottage industry lines such as weaving of cloth, silk and so on and so forth, as has been done in Japan.

Sir, I do not want to take any more time of the House, but I do hope that the House will support this Resolution unanimously.

Mr. Sami Vencatachelam Chetty (Madras: Indian Commerce): Sir, if my friend, Mr. Boyle, wanted to oppose this Resolution, he could well have chosen other arguments than his fulminations against the commission agents. It comes with very ill grace from a representative of the most princely among middlemen in this country.....

Mr. F. E. James (Madras: European): What about yourself?

Mr. Sami Vencatachelam Chetty: I admit I am a middleman.

In this country, Sir, no set of people are worse middlemen than the foreign companies.....

Mr. F. E. James: If that is my Honourable friend's view about foreign middlemen, why is he employed by them?

Mr. Sami Vencatachelam Chetty: I am a middleman, I do not deny it.

Mr. F. E. James: Why are you employed by one of these foreign companies who are such sweaters?

Mr. Sami Vencatachelam Chetty: I cannot avoid it, and I deny they are sweaters. At least the middlemen in this country accept certain onerous responsibilities as distinguished from the middlemen of other countries. The middlemen here have got to finance industries and agriculture from the very beginning and they render a very useful service indeed in marketing the wares that are produced either here or imported into this country. I am, therefore, astonished that Mr. Boyle should

have chosen the middlemen as a target for his attack in respect of this Resolution. I am sure he wanted merely to play upon the feelings that are generally prevalent both amongst my countrymen and others, that these middlemen are parasites and that co-operation can play the part of the middlemen very much to the advantage of the producer or the manufacturer. We can't make too much fetish of this co-operation. I want Mr. Boyle to tell me whether co-operation has not ended in greater loss to the producer or the agriculturist than what might be caused by the middlemen in this country. Can he tell me of a single instance where a co-operative organisation is able to sell the articles cheaper than what the middlemen and the commission agent have been able to do in this country?

An Honourable Member: That does not arise in this connection.

Mr. Sami Vencatachelam Chetty: It is no use talking of co-operation which does not exist here and decrying the middleman who is really rendering a great service. If persons who have got to finance trade from beginning to end have to be condemned on account of their service that they are rendering, you have got to condemn the railway service which is no other than what the commission agent is doing. In every transport you have this, from carting down to sending the commodity to a marketing organisation—every service is necessary for purpose of selling the product. My Honourable friend, Mr. Boyle, has given a definition of a cottage industry. What I consider to be a cottage industry is that industry which can be carried on by the head of a family with the assistance of his family members, or, if necessary, with the assistance of his neighbours, in his own house, either as a whole time occupation or as a subsidiary occupation of that man. If that be so, and that is, I think, as far as possible, a correct definition of a cottage industry, I do not see how you cannot call match-making a cottage industry. It is true that the Government will have to forego revenue by giving this concession. That will certainly mean a loss of revenue to Government and that is exactly the request that is being made, that Government should put up with this loss in order that you may give employment to people who are unemployed. That is the point. Therefore, it is no use merely begging the question by saying that the Government is losing a lot of revenue. The Government has got to lose this revenue. It is only a matter of choice whether Government will be going on collecting this money or will be affording unemployment by relaxing some of the stringent conditions with regard to the making of matches and allowing people to manufacture matches in their own cottages. Therefore, I consider, having regard to the fact that, somehow or other, this industry has come to be concentrated in one organisation and that organisation has neither Indian capital nor Indian management, it becomes a matter of economic importance whether that industry should not be made more universal by making it a cottage industry and removing these restrictions upon the cottage manufacturers. Even those big manufacturers could not dispense with the middlemen. They have got their distributors all through the country and it is through their distributors that they are able to sell their wares. Whether Mr. Boyle likes it or not, the middlemen will be able to carry on the sales organisations more efficiently than these manufacturers can ever dream of doing. After all, owing to the restrictions that have been placed upon the cottage industry, the income that is derived from the manufacture of matches by these cottage factories has

[Mr. Sami Vencatachelan Chetty.]

not become very much and I think that is an amount which Government can forego in order to give an impetus to employment in villages. I, therefore, support the Resolution.

Mr. B. Das: Sir, I feel that the House does not properly appreciate the position of the All-India Village Industries Association which works and organises industries for the rural population of this country. My Honourable friend, Mr. Boyle, who lives in the big town of Bombay and is accustomed to sweated labour and to the life of the workers in insanitary conditions does not appreciate the situation that, if the All-India Village Industries Association succeeds in organising cottage industries in the rural areas, then there will be no necessity for the villager to go to the town and live in insanitary conditions and work with sweated labour, to be exploited by big capitalists like Mr. Boyle or the smaller capitalists like the moneylenders. I am not interested in the exploiting part of the problem that has been brought out on the floor of the House this morning and which ought not to have been so brought out. What is our desire, particularly, of those of us who are associated in one way or another, with the activities of the All-India Village Industries Association, that the Government of India and also the Provincial Governments will give us all help so that we can organise cottage industries all over the country. The unemployment problem has been referred to by my Honourable friend, Mr. Boyle, but that is a subject which cannot be lightly touched upon. Surely, that is the main aspect of the thing that is agitating great thinkers, that is agitating the All-India Village Industries Association. Men like Mr. Kumarappa, Mr. Satish Chandra Das Gupta, not to speak of that great man Mahatma Gandhi—they are always thinking of how a man living in the village can earn a little more and get a full meal instead of the half meal that he is getting.

Mr. Satish Chandra Das Gupta's name has already been mentioned. He is known as the Gandhi of Bengal. His noble efforts in organising big manufacturing industries, in organising the Bengal Chemical and Pharmaceutical Company, are well-known all over India. He gave up all that and now he is applying his great scientific genius to the development of cottage industries with the sole object of bringing about more contentment and a little more prosperity to the teeming millions throughout India. We all know how unemployment is rampant all over Bengal. There are many chemists, many mechanics, many half-educated F. A.'s, B. A.'s and M. A.'s knocking about the streets of Calcutta without finding any employment.

An Honourable Member: How are we employed when we are outside this House?

Mr. B. Das: They should not have gone up for this higher education at all. My Honourable friend, the Finance Member—now his time is running short, but for the last five years he has been planning, not for himself, but thinking out as to how to solve the unemployment problem in this country. We shall have a dose of it after a fortnight and we shall be glad to hear his considered views as to how best to solve the problems of unemployment. But here in Mr. Satish Chandra Das Gupta we have got a tried expert who is thinking solely in terms of the teeming millions of India and is trying to relieve the distress in our village life and in our rural economics.

There are three problems facing those who want to organise this match industry on a cottage industry basis. One is the difficulty in getting licence from the Government.

1 P.M.

The licence is entirely in the hands of the Government of India. I do not blame the Government of India in not allowing every small manufacturer to manufacture matches but the object of bringing this Resolution forward is to ask the Government of India to relax this rule, so that *bona fide* applicants who come forward and are prepared to manufacture matches at the rate of 10,000 grosses per annum on cottage industries basis should be allowed to do it and there would not be too much trouble in arranging this between the Provincial Government and the Imperial Government. The second point is the high licence fee and this has been referred to by Dr. Banerjea and Mr. Sri Prakasa and the third is the inadequacy of the rebate. When the Match Excise Duty Bill was discussed on the floor of the House in 1934 some of us who come from the eastern part of India wanted that there should be a definite rebate for the cottage industry. In one of the speeches then it was suggested that the rebate should be eight annas per gross. Since then experience has shown that even the rebate of ten pies has not helped this cottage industry which had been flourishing in different parts of India at that time. The big business whose cause Mr. Boyle advocated has swallowed up all these small businesses by various processes, such as obstruction and incorporation and the small industries have gone to the wall. We argued at that time that the activities of these big concerns should be controlled in the matter of using Indian timber and Indian materials. Our advice was not heeded by the then Finance Member. But, I am not today discussing Winco's activities or inequities. I hope to do that in the budget speech but today I am pleading the cause of the poor villagers and the Government of India should consider favourably the request of the All-India Village Industries Association. The Finance Member need not be scared by Mr. Boyle's statement that lot of revenue will be lost if a firm manufactures 10,000 gross boxes of matches per annum. I would suggest that six to eight annas should be the rebate per gross for these small cottage industries which manufacture per annum up to 10,000 gross. For anybody who manufactures up to 100 gross per day there would be a graded rebate which will vary from eight annas to two annas per gross as Dr. Banerjea suggested. That is my suggestion and if it is adopted Government will of course lose a little revenue but one should not expect that there will be a lot of small manufacturing concerns going up at once. As Mr. Sri Prakasa suggested, think of the material that is lying waste and that can be utilised. Mr. Satish Chandra Das Gupta is utilising waste paper for match boxes. The matches are also made of fine Bamboo sticks and you can put 80 sticks inside and it can be carried in the pocket like those pretty match boxes we buy abroad. We should not look at this problem only from the financial side as to what the Government will lose by way of revenue. The Government and the House should take into consideration the hopeless condition of our young men who find no employment. They will learn to manufacture matches on the co-operative system in family life. Two or three families will join together and produce 10,000 gross per annum. They will try to eke out a living, better than that of the ordinary daily labourer in the streets of Calcutta or Bombay, but more respectable to himself, to his family and his family members. This is a problem which we should not turn down lightly. The great American manufacturer

[Mr. B. Das.]

of cars, Mr. Henry Ford is trying to settle his employees in villages where parts of machinery can be manufactured and, at the same time, the employee can live in the country and live under better sanitary conditions with a cottage and vegetable garden of his own. India is a land of villages and the people want to live their own life in the villages. Bombay and Calcutta would be depopulated and would only have half their present population if cottage industries can be developed. People will go back to the villages and a national government will try to organise industries in such a way that there will be no exploitation from capitalists by resorting to mass production schemes. That will not solve unemployment. It may enable my friend, Mr. Boyle, to go about in Rolls-Royce cars but it will not give daily food to the millions. I appeal to my friend, Mr. Boyle, and the Members of the European Group to approach the problem in the way it is being approached by Mahatma Gandhi. I can assure my friends in the European Group that this problem can only be appreciated by making a proper approach to the subject from the point of view of the contentment of the rural population of India and that problem can only be solved by starting cottage industries as subsidiary industries for our rural population. Bombay and Calcutta cannot solve them.

Mr. J. D. Boyle: May I say a few words by way of personal explanation. In my speech I did not, in any way, oppose the establishment of cottage industries. On the other hand, I said that I was all in favour of them. All I said was that in the conditions of this particular industry, the present moment was not suitable for further grant from the Government.

Mr. A. H. Lloyd (Government of India: Nominated Official): The Honourable the Mover of this Resolution opened his remarks with a reference to the need which he felt for advancing the industries of India and he went on to say that large factories were a dream of the future and that at the present stage he would begin by furthering the development of small industries. I was a little surprised to find that he used that as a starting point in dealing with a particular industry which is already very largely in the hands of a large industry, so that there can be no question of a dream of the future. On the other hand, it appears to me that he regards the position as a night-mare of the present,—that is to say, the fact that there is a large-scale industry established in India itself in the manufacture of matches, and that is a feeling which appears to be shared by a good many of those who have spoken, particularly, so far as I can see, on the ground that the most important manufacturers of matches in India are a concern which has a close connection with a foreign country. I do not intend to go into questions of that sort which raise, in my opinion, issues which are not definitely of an economic or financial nature. It is my purpose to look at this question from a more general point of view and not with reference to any form of personalities.

The Honourable the Mover did, however, appear to give us a hint that the development of the factory industry might not be a good thing, in due course, in quoting an illuminating passage from some other writer in his peroration; he thus made it clear that what he wants is that Government should take action deliberately designed to assist the small-scale industry in competition with the large-scale industry,—and that appears to reflect the attitude of most speakers, with the exception perhaps of Mr. Nauman, —who made it clear that he did not want to damage the big industry, and

only wanted to give a little extra profit to those engaged in the small industry. I do not think that approach to the question commends itself to other speakers. Well, Sir, if we take the other approach, *viz.*, that the small-scale industry as such must be assisted by Government in its competition with the large-scale industry, and this must be done by discriminating taxation, I think it must be clearly recognized that that is a demand that Government should adopt a new policy which really is as revolutionary in its character as the adoption of the policy of discriminating protection some years ago, and it is not a new policy which the Government of India could be asked to lightly and unadvisedly to adopt. Hitherto, all that the Government have had to be concerned to do, so far as competition within India is concerned, when dealing with taxation in the form of excise duties, has been to ensure that no branch of the industry is put at a definite disadvantage in competition with others. Now that is precisely the line that has been taken in connection with matches in the existing provision in the law and rules for the grant of a rebate. We have attempted to secure that the extra expense and inconvenience which the small-scale industry might have to put up with, as a result of Government control, should be set off by a suitable reduction of the duty. I have not yet seen any proof produced that the reduction is not suitable for that particular object, that is to say, to remove disadvantages depending upon the collection of the duty and not inherent disadvantages which may exist for other reasons such as inferior quality. We, ourselves, recently examined the question of the sufficiency of the rebate and we find that the license fee, in the case of the small-scale factories, works out to about 2·7 per cent., of the manufacturing costs while the advantage is 5·2 per cent. in duty, and as the duty is higher than the manufacturing costs, that advantage is considerably greater in terms of manufacturing costs. Therefore, so far as we can make out, the existing rebate quite amply serves the purpose which was really in view.

It may be suggested that I am forgetting that when we had the cotton excise duty we had no tax at all upon the handloom weaver. I would reply to that that the cost of collecting an excise duty on the handloom products would be prodigiously high compared with the yield when you are dealing with a duty of only three and a half per cent., but when you are dealing with a match duty which is over one hundred per cent. in its incidence, you cannot ignore any section of the industry. The whole must be brought within taxation, and if so, then the limit of the rebate you ought to give should be measured by the extra disadvantage which may fall upon the small factory because of the Government control, necessary for the collection of the duty but not any other disadvantages . . .

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wants to continue his speech, he can do so after lunch.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Mr. A. H. Lloyd: Sir, before we adjourned at lunch time, I attempted to show that the existing rebate, taking into account the existing license

[Mr. A. H. Lloyd.]

fee, is adequate, if all we are concerned to do is to prevent the small industry being handicapped in its competition with the large industry as a result of the measures which Government have to take in order to secure the collection of the revenue. I further suggested that to give them any additional advantage in that competition, by the use of the fiscal weapon, would involve making a very important departure of policy, as important as that which was made when the policy of discriminating protection was adopted. Now, Sir, I should like to suggest that even if it were suitable and proper for us to adopt that policy generally, this is a particular case to which it would be undesirable to apply it. There were very good reasons,—as my time is very short I will not attempt to recapitulate them,—why the Tariff Board came to the conclusion that match-making was not an industry which was particularly suitable for development on cottage industry lines. I would refer Honourable Members to paragraphs 125 to 134 of the Tariff Board Report, and with your permission, I will simply read a few words from it. This is what it says:

“It will not, therefore, be right for us to propose any special measures which would have the effect of encouraging a type of manufacture, which, in the end must give way to more modern and improved methods. Nor do we believe that the manufacture of matches is a suitable industry to be undertaken on cottage lines. Not only are the essentials for successful operation absent, but the raw materials and the finished product are of a highly inflammable nature.”

Then, they refer to the inflammable nature of some of the chemicals used and the precautions to be taken against fire in some of the small factories. There is an additional consideration that was alluded to and which I should like to mention, namely, that these small factories, in many cases, use splints, (that is to say, the piece of wood which is dipped in chemicals to make the match) and veneers (to make the boxes) which are cut in large factories and bought from them. Now, I submit that an industry which merely consists of pasting the box made of these factory veneers and dipping these factory made match sticks in chemicals is not an industry which is entitled to any kind of special consideration whatever, even if Government had adopted a policy of discriminating taxation in order to encourage the cottage industry. If this kind of material is not used, then I think it will be generally agreed that the resulting product is likely to be an inferior article to that which is available from machine made splints and veneers.

There is one other point, and I think a very important one, which makes match-making a peculiarly unsuitable one for receiving the favours of Government in the way proposed. If a small increase of the rebate was given such as was suggested by most of the speakers, it would not be possible for the manufacturers to put matches on the market at a cheaper *retail* sale price than at present. The unit of retail sale is a very important governing factor in the case of matches, and if we are going to give cottage made matches a real advantage, it must be sufficiently considerable to be reflected in the retail sale price. In short, the problem may be said to be this,—of enabling the cottage industry to sell three boxes of matches for two pice where now only two boxes can be sold for two pice. That would mean that we should have to reduce the present duty from Rs. 0.15-2 to Rs. 0.3-2 per gross. To the extent that it will be effective in putting large factories out of business, we shall have involved ourselves in a loss of nearly 13 annas a gross, or over three quarters of our revenue,

apart from the Indian States who would also lose a small proportion of their revenues,—I mean those States which have joined the match pool

An Honourable Member: What will be the loss?

Mr. A. H. Lloyd: Three quarters of our revenue will be about one crore and twenty lakhs. That is not practical politics. Perhaps my friends will answer, then you will have the alternative of enhancing the duty on manufactured matches, and by giving a rebate on that enhanced duty it will bring back the duty on the cottage matches to the present level. But if that were done, the unit of retail sale again is a governing factor, and in order to affect the retail price, we should have to secure a minimum rise in the price of manufactured matches to such an extent that what now sells at one pice per box could only be sold at the rate of three pice for two boxes. That would mean enhancing our tax on the manufactured match by something like one rupee per gross. Now, such an enhancement would probably mean the practical extermination of the large factory industry, since all that would be left would be a small luxury trade which would probably be adequately supplied by foreign imports. That would not be all. It would also mean the forcing of an inferior article at not less than the old price on the public. Well, I have gathered from some of the speeches today that perhaps that some of my friends would not be sorry to see the large industry wiped out completely, but that is not a view the acceptance of which is part of the Government's policy at present, and it is a proposition which obviously raises issues of the utmost significance affecting the whole of the existing economic organization of society. I look at it from a narrower point of view at the moment, and it is this, that if a measure of this sort were to be successful, it would, probably, raise the prices of matches, and this would greatly reduce the consumption of matches,—probably one third would go and we should again have an enormous loss of revenue. On financial grounds alone I find it my duty to say that the Government of India are unable to accept this Resolution.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhamadan Rural): Mr. Deputy President, from what I have just heard from my Honourable friend, Mr. Lloyd, it is apparent that the Government are not at all giving the Resolution and the subject matter thereof the serious consideration it deserves. Sir, the House has by now indicated in unmistakable terms how important it is to have manufacture of matches by hand-made appliance in cottages. It is extremely unfortunate that a discordant note was struck by my Honourable friend, Mr. Boyle, and that it was followed up by the Treasury Bench. Mr. Lloyd trotted out arguments which clearly showed that he had the poorest case to plead in this House. Sir, I believe the bulk of the Honourable Members of this House would agree with me when I say that they could not appreciate the arguments advanced by my Honourable friend, Mr. Lloyd, from the Treasury Bench. All that could be gathered from what he said was this: that the Resolution, if given effect to, would mean tremendous loss of revenue to the Government. That is one of the convenient bogeys with which the Treasury Bench tries to confront us whenever we want any money for nation building or national purposes. The second argument of his was this that it would have the inevitable effect of increasing the price of matches and, incidentally, reducing the consumption of matches which would also result in loss of revenue to the Government. The third point which I

[Pandit Lakshmi Kanta Maitra.]

understood him to make was that it would mean paying higher price for inferior quality match. In other words, this third point is a special pleading for the consumers of this land for whom they express, in season and out of season, a good deal of solicitude. Sir, it was a great surprise to us that even in such a matter Mr. Boyle would not support us.

Mr. Sri Parkasa: Sweden is Mr. Boyle's country-in-law.

Pandit Lakshmi Kanta Maitra: I can well understand my Honourable friend and his Party supporting Government and going against us when it concerns their own vested interest. But does it not really mean that even when they have not their own private axe to grind, even when their own private interests are not concerned in any way, they should even then stand up against my countrymen? That is indeed very sad and painful, and I hope my friends of the European Group will think over the position.

Mr. J. A. Mackeown (Government of India: Nominated Official): You may be wrong.

Pandit Lakshmi Kanta Maitra: The Honourable Member is now standing outside and making this remark. He is concerned mainly with whipping his men and not with understanding or following debates. He is, therefore, more likely to be in the wrong than myself. It may not have been the intention of Mr. Boyle to give us that impression, but he must realise that the way in which he spoke today, or the line of argument he adopted is open to this interpretation from this part of the House.

The history of match industry in this country is a chequered one and a particularly unfortunate one. It was born on the crest of the wave of swadeshi agitation in Bengal in 1905 alongside of the tremendous political upheaval that was in evidence at that time. There was a moment for economic and industrial regeneration and it spread all over India and the result was that many match factories sprung up not only in Bengal but in all parts of India. Sir, they could not hold their own against foreign competition. They all failed owing to a variety of causes. They could not stand either because the planning or management was not good or because the way in which they were run were uneconomical or because the machinery, staff or materials selected were not suitable for the industry. From 1901 to 1910, vast imports of matches poured into India and their value ranged between 41 lakhs in 1900 to eighty lakhs in 1912. In 1912 and 1913 the value of these imports went up to 90 lakhs. During the war and, thereafter, there was general economic disorganisation and the exact official figures for this period are not available, but there is sufficient indication that during this period also the imports poured forth from Japan and from Sweden and Norway in large quantities. Up to the year 1916 there was an *ad valorem* import duty of five per cent. on matches. It went on till March when it was enhanced to 7½ per cent. *ad valorem* and, thereafter, in March, 1921, it was fixed at twelve annas per gross which again in March, 1922, was raised to Rs. 1-8-0. By this time Japan and Sweden, between themselves, captured the entire Indian market and monopolised the entire match trade of this country. By uneconomic rates and relentless rate-war they managed to strangle out of existence all the nascent and struggling match industries in this country. That is a fact for which there

is indication even in the Tariff Board's report. The Tariff Board report says that the match industry in India took advantage in 1922 of this heavy import duty of Rs. 1-8-0, established itself and thrived in the succeeding years. And it is interesting to note here that while our own countrymen, interested in the match manufacture and the commercial interests, were pressing on the Government to have this high import duty declared as a protective duty, the Government strangely enough opposed it. They refused to declare that it was a protective duty, as that had to be logically followed up by other concomitants which the Government were not prepared to do. Nevertheless, heavy revenue duties when imposed have a natural tendency to be protective in their operation and the result was that a real and substantial protection was given to the Indian match industry. Numerous match factories came into being in the country. Foreigners also took advantage of the position and Sweden started several huge factories here. Then followed a period of strenuous fight amongst the manufacturers and importers particularly between Japan and Sweden. In this fierce competition Japan and Sweden fought against each other, sometime Japan getting the upper hand and controlling the trade and, subsequently, Japan's exports dwindling only to six per cent. and the rest going to Sweden. Japan was thus completely ousted from the Indian market and the Indian manufacturers who were very hard hit by this ruinous rate war succumbed to it, leaving the field clear for Sweden. Then they formed into a big combine—the Swedish Trust and by all the elaborate technique of a powerful cartel, wiped out competition and virtually established a monopoly of match trade in this country. The Government realised that all this time there was a steady downward curve in the import revenue from matches and so they referred the whole question to the Tariff Board which was asked to make a thorough investigation of the whole question and to make such recommendations as might appear germane to the subject. The Tariff Board, however, digressed into all manner of unimportant matters. They touched upon cottage manufacture of matches in a half-hearted manner and devoted an inordinately long space in their Report to Swedish competition without suggesting any remedy against it. Some passages in the Tariff Board report have been quietly passed over by my Honourable friend, Mr. Lloyd, and he has touched only those passages in it where they were of the opinion that match manufacture should not be encouraged as a cottage industry. He referred the House to paragraphs 124, 125 and 134. The House will see that there is no doubt a passage in paragraph 134 which says:

“There is little future for match manufacture as a cottage industry nor do we believe that the manufacture of matches is a suitable industry to be undertaken on cottage lines.”

But if my Honourable friend had gone two or three paragraphs lower down he would have seen that some of the arguments used by the Tariff Board for not recommending special protection to the cottage manufacture are very far from convincing. They dealt with the appalling conditions of sweated labour and the danger incidental to this kind of manufacture and so on, which are neither here nor there. But with all the prejudice of the Tariff Board against manufacture of matches as a cottage industry, they, in paragraph 36, amongst other considerations, strongly recommended that if Government decided upon imposing an excise duty on matches they should, at least, grant a rebate to cottage factories to the extent of two annas and not exceeding two annas per gross. What have Government

[Pandit Lakshmi Kanta Maitra.]

been doing? They have been giving only ten pies. Can we not expect Government at least to go up to this limit fixed by the Tariff Board which were not at all sympathetic to the cottage manufacture of matches in this country? This recommendation was far too modest even for those days; but the situation has now completely changed since the report of the Tariff Board, in 1928. The Match Excise Act of 1934 marked another important stage in the history of the Match Industry. By this Government have been raising an Excise Revenue of about 240 lakhs a year. Again there has been since then a tremendous upheaval in this country. We have been running Governments in the provinces; political awakening is there and industrial consciousness is there and today the Government of India ought not to come forward to say that they cannot do anything for resuscitating the dead industries of this country. Now, Sir, the scheme which the House has in view and which has been put forward by my Honourable friend, Mr. Sri Parkasa, relates to the manufacture of matches, purely as a cottage industry from waste paper and bamboo by simple and inexpensive hand appliances. It has been evolved by Mr. S. C. Das-Gupta a selfless patriot gifted with scientific and inventive genius who has dedicated his life to the revival of village industries in this country. He is not a dreamy idealist but a practical man to the core. He is running important industrial concerns on cottage lines. Mahatma Gandhi in the *Harijan* expressed the view that this scheme as formulated by Satish Babu should be given a fair trial; and he went so far as to say that if the match industry of this country were run on the cottage model as demonstrated by Mr. Das-Gupta, the whole demand of the country could be met. Sir, on the basis of production, the world's requirement of matches has been put at 150 million gross. After various calculations it has been found that India's demand is about 17 million gross. If we make further allowance for improved standard of living, we can put it safely at 18 million. So India has got a very big home market. There is also abundance of cheap and efficient labour. The appliances are cheap and simple. The materials are common waste paper and bamboo.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member's time is up.

Pandit Lakshmi Kanta Maitra: I am closing, Sir. These are the advantages of this scheme of manufacture and Government should help us in this small matter by enhancing the rebate. The Government need not fear any serious loss of revenue if they increase the rebate. They need not at all apprehend that bulk of the manufacture will be immediately diverted to the rural area which will ultimately capture the entire match trade and that, by rebates, the whole. Excise income of Government would be eaten up. We are just wanting a beginning. Let Government indicate to us that they are willing to give us a lead in this direction of encouraging cottage industry by increasing the rebate, by lowering the license fee and fixing it on a cautious and carefully graduated scale according to the size of the manufacturing unit so that people, who honestly believe that they can build up this industry on the cottage scale, may make a start and successfully compete and provide employment to thousands of unemployed. I may tell the House in this connexion, that match manufacture is

actually done by the Khadi Pratisthan. It is not only a commercial concern but also an institution where the manufacture of matches is taught. There are many men from different parts of the country who get regular training in match manufacture and its processes which are simple and can be easily mastered. This institution competed for the requirements of the Calcutta Corporation and by lowest tender they secured the contract for matches from that body. Therefore, unless you have a special inclination for high scale industries to give them protection at all costs, you cannot say that it is an uneconomical and impracticable proposition. It is quite a practical proposition; only we must have the encouragement and support to work it. We want Government help in this matter. Sir, we also gave notice of a Bill to amend the Indian Match Act of 1934 in which we suggested to Government

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member must conclude now.

Pandit Lakshmi Kanta Maitra: Yes, Sir. We suggested to Government that we were prepared to allow even an increase in the taxes but we wanted a substantial rebate for small manufacturing units. By that we were prepared to give them 30 lakhs more if they would only part with a portion of it to give a fillip to this industry. But the permission to introduce the Bill was refused. This is the position. Sir, I support this Resolution and appeal to every elected Member to vote for its acceptance.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Kural): Sir, in this debate I wish to say a few words because of the questions raised by Mr. Boyle and also by Mr. Lloyd. It is because of the larger issues raised that I ask leave to intervene and state the point of view of those who support this Resolution. I will take Mr. Boyle's arguments first and then deal with those which have been stated on behalf of Government. But in order to be able to appreciate what I am going to tell the House, there are figures which are available in a Government publication named "Review of Trade in India, 1937-38" from which you get the situation as it stands. The pre-war average of the import of matches was 88 lakhs, the war average was 153 lakhs, the post-war average was 176 lakhs up to the year 1935-36 and in 1935-36 it was 22 lakhs, next year it was 14 lakhs and in the following year it was 20 lakhs. This raises an important question as to whether the protective duty did really any good to India, in the proper interest of India as we understand it. If you look at the Tariff Board Report the facts are clear. In paragraph 148 they say:

"It may be estimated that the Swedish Match Company now controls not less than 65 to 70 per cent of the total world's demand."

And I say without fear of contradiction that in so far as India is concerned, having acquired a large number of factories in Northern India they now must be controlling a very large percentage of India's demand, although I have not got the exact figures because I have not looked into their last balance sheet. And in paragraph 152 you will see the real reason for it. They say:

"Japan was the most formidable competitor of the Swedish Match Company in the East and, therefore, as we have stated in an earlier chapter, an intense price war was carried on against Japan in all the markets of the East, especially in India. In the end the Japanese industry succumbed to this competition."

[Mr. Bhulabhai J. Desai.]

With these eloquent facts, you know actually the economic condition as it exists in India, apart from whether any loss of revenue would be involved in this question or not. In other words all that has happened is this: that the protective tariff really was, as in the result, instituted for the benefit of nobody else but another capitalist from a foreign land. If that is the only result of protective tariffs, we are now beginning to realise that the Government ought, in the interests of India, to look into the question from the point of view which is also adumbrated—and adumbrated ten years ago—in the report of the Tariff Board. They referred in para. 156 to this question as follows:

3 P.M. “Which-ever point of view has been put forward, it has been assumed that a definite line of policy in the treatment of all foreign capital and of all monopolies is justified. Very important questions of policy have thus been raised which affect not only the match industry, but also a number of other industries in this country. As regards the question of foreign capital, the matter was considered in some detail by the Fiscal Commission. In 1925, the Government also appointed a separate Committee—the External Capital Committee—to consider this subject. The reports of both these bodies indicate that the question whether the interests of the country necessitate the imposition of restrictions on the employment of foreign capital is by no means as easy of solution as it might at first appear and that in any case the difficulties in administration of any special measures and the possibility of evasion of any special disabilities imposed on foreign firms are such as to render the success of any system of differentiation extremely doubtful.”

But measures must be taken if India is to have any advantage from these protective tariffs at all. It may be that in some industries by reason of this protective tariff India has gained to some extent and even substantially in some of them. But the question is really very important from the point of view—and is only illustrated by this relatively small industry. It is for that reason that I have thought it right that I should give reasons in support of the policy behind the Resolution now before the House.

To come to Mr. Boyle, the facts are very eloquent. 178 lakhs was the average import upto 1935-36; and it dropped as you see next year to 22 lakhs and then to 14 lakhs and then to 20 lakhs. It merely comes back to this, that what was then imported became merely produced by the very same body of capital. That is the actual result which this House must recognise and appreciate before saying there is very little in this Resolution. Hence, I can well understand my Honourable friend, Mr. Boyle, rising to make what, I may call, an extraordinarily clever special pleading. He says “Yes; what you have to choose is between this very nice match which I or somebody whose interest I protect here in this House produces”. And here I am not saying it in any personal sense: he will understand it that I mean there is no personal question in this matter—it is entirely a question of the interests of India, whether and to what extent this policy of discriminating protection or protection at all does any good without some restriction on the employment of foreign capital in this country: that is the grave issue as the results clearly show. Friends are aware as to the number of companies which have been started in India during the last few years, under the protection of this wall and to what extent the results so far as India is concerned have been in so far as the advancement of the interests of his country are concerned. Mr. Boyle says: “What is the good if you give them this two annas rebate which is asked for? They work under wretched conditions and produce a wretched match.” The eloquent answer to a businessman like Mr. Boyle ought to have occurred to him when he

said this. If the match really was so wretched as he suggests, it could not stand any competition and, therefore, he need not be afraid of it. But the very fact that he feels sympathy and pity for the wretched conditions of work and the wretched article produced is to me highly suspicious. If it was not going to compete with him, he need not have bothered. But the very fact that he gets up and talks about it and advises us in our own interests that it is better to work in Ambernath than in some villages in Bengal—it is a lesson which I am not prepared to accept at its face value.

In so far as the conditions of work are concerned, they generally come to examine the conditions of work in this country in a thoroughly extrajudicial point of view as I call it, but largely the view of a foreigner looking at it in a patronising manner and he comes and says: "You are not working under conditions as nice as those provided in some well laid out factory in some other country. You have sweated labour: you have cheap labour; and, therefore, you are a class of country which ought to be put down." But the problem that India has is this: we cannot help the fact that we have a large unemployed population which naturally results in a competitive wage that is low: secondly, of course, its purchasing power is low and, therefore, the two combined results of poverty and unemployment makes the wages low. But may I not treat this as an advantage in so far as the cost of ultimate production is concerned, instead of treating it as if it was a crime? In other words, he says, you must raise the cost of production, you must buy more, whether you can afford it or not, even to the extent of excluding them from getting anything at all. That is not the way in which I am prepared to look at this question. India undoubtedly may gain, as some of my friends think, by industrialisation. Nobody objects to it. But the limit is reached even in a country which is highly industrialised, as to the elimination of men from works of this kind. I remember reading, only the other day, a text-book written by a great American economist in which he points out how investigations are now set up in that country, whether the limit of elimination of men from factory has not been reached because in one instance he gave a machine has been invented in one of the departments of industry where it results in the elimination of 600 men as against one who operates that machine today. I dare say there will be, according to the wishes of Utopian thinkers, ultimately all the leisure for man and no work to do, but I have not yet reached that stage of Utopia. I, therefore, feel that where labour is plentiful and cheap, the problem is not merely solved by saying: "You industrialise the country." The Labour Commission, Dr. Ziauddin Ahmad will remember, reported—Mr. Joshi always does remember—that we had a million and a half to two millions in factories employed in this country—I always speak subject to correction from the biblical readers—but supposing now that we increased our production in the branches in which we are still importing a certain amount from other countries, I am not one of those who having roughly estimated the thing say by mere industrialisation we can provide employment for perhaps twice that number which means about 40 lakhs of people. But the problem does not affect only the 40 lakhs of people: they may work in very ideal sanitary conditions.

The problem to us is not a mere matter of verbal argument whether an industry which is supplementary to the farmer or whether it is a cottage industry because it is carried on in a cottage or whether there is a commission agent who gets a certain amount of money and so on—they are

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very easy examination for those to whom it suits to examine. To us the question is to add every pice by additional labour. Wage to an Indian is a real problem. It may look very small to the rich races, represented by the European Group, but to us these matters of pice which can be looked upon with certain amount of contempt are not a matter of contempt: it is a matter of great economic value to us because any addition to the earnings of the man who makes on an average five or six rupees a month, in so far as the average income of this country is concerned, is of immense value and immense advantage. And there is another answer to my Honourable friend, Mr. Boyle, and it is this. He said that the commission agent will get 12 per cent. and the retailer will probably get a certain amount of it and the other man will get $4\frac{1}{2}$ annas. Those are the figures he gave. Well, in the first instance, $4\frac{1}{2}$ annas is better than nothing. To him $4\frac{1}{2}$ annas is probably not a coin that counts. Probably, he thinks in terms of shillings or even pounds. We cannot think in terms of shillings or pounds. We must begin to think in terms of pies. A pice is big enough and an anna is very big indeed. The other point is this and I make no secret of it because I wish to make an open confession on the point of policy raised. The other day there was a gentleman of very high position versed in economics and he argued with me for several hours as to the gain to the consumer, a point which my Honourable friend, Sir James Grigg, has often raised in this House. He told me that notwithstanding the fact that the foreign cloth is not coming into this country, is it a fact that the consumer pays roughly the same price or perhaps a little more? I said that I would accept it from you that he pays the same price and we won't argue about it. Then he said, "What do you gain by it?" I gave him an answer which I would like to repeat here. I will try to give the exact words that I used then. I said that I would rather that Kasturabhai and Ambalal, even at the risk of being called capitalists, kept the money than that John or Smith carried it out of this country. In that case, that wealth will remain in this country and some day, at all events, it will be available to me. Therefore, there are always two steps in the industrial growth. First, to keep it within the country itself and then an equitable distribution between the populace of the country. These two problems must be kept separate and must be clearly understood. If I am to be exploited as the result of this protective duty, it does not matter to me who the foreign capitalist is. It is entirely a question of an Indian against an outsider, so long as I am not able to sell a rupee worth of my material to an outsider. Every foreign industrialist thinks that this country is his heaven and our market is for his exploitation. It is a point on which we, at all events, have begun to pay our attention, in far more detail than my friends are sometimes under a belief that we do. Therefore, the problem is not that the match is wretched but it is a matter between the Indians who will use it.

So far as the European clubs are concerned, the Swedish match will always be there, because they can pay twice the price. So far as the rest of us are concerned, we will sooner do with our wretched things, assuming that they are wretched, than have the foreign stuff. So far as the conditions of our works are concerned, they will remain what our cottages are. They are not by any means as good and as clean as they should be, but it is certainly a comfort to make them richer by adding a pice rather than leave them in the present condition. That is what I wish to point out in answer

to the points raised by my Honourable friend, Mr. Boyle. In other words, if the profit goes to the middleman, between two capitalists I would choose my own. I make no secret about it at all, and I should think it should be the policy of the Government of India also.

Take the next point that was raised on behalf of Government, that we are introducing some new principle in this country. I understand he referred to discriminating protection. But the new principle which he suggests is this: that as between the factories and what you may call the cottage industries is a new principle. Well, for myself, assuming it is a new principle, I think we ought to make a beginning because we ought to remember that, while we merely keep out the outsider and continue to deal with the same outsider inside, we have really made no real progress so far as this country is concerned. The objective effect is much more valuable than merely the question of how it was started. The origin is immaterial. The fact remains that we have begun to recognise that the economy of Indian life requires to be revised and requires to be more carefully attended to than it has hitherto been attended to. My Honourable friend has got a peculiar hypothesis in his own imagination. His hypothesis is this. His two crores will be wiped out and what is it that we will produce? Only the matches that will be produced by these cottage factories and that no match will be produced by anybody else. I will welcome that day even at the risk of the loss of revenue. So, it is no use merely trying to frighten the people by saying what you apprehend will happen and that a loss of revenue will occur. Unfortunately, I am not so hopeful as my Honourable friend. Therefore, the mere question of the loss of revenue is not the issue today. The issue today is to enable the cottage industry to make a beginning. I would not be sorry if it succeeds. But one thing is quite clear that in so far as the factories manufacturing matches in this country are concerned, for all practical purposes not much of it is owned by the Indians at all. Therefore, I do appeal to the Government that it is after all as a matter of experiment that this is asked for. If the experiment succeeds to the extent of making the wretched match good enough for the Indian consumer and, therefore, replacing the match produced in the hygienic and beautiful mechanical conditions of foreign owners, I should not be sorry. Secondly, if all the matches which are required in this country are produced in this country, I should not only not be sorry, but I should be proud of it. Therefore, from the point of view of the fact that we wish to gain really by this protective duty and, secondly, from the point of view of the fact that the problem of India is a problem of adding whatever little you can, it may be even a pie, to the earning capacity, whether it is done as a supplementary industry and I will grant for the purpose of argument that it is not a question of supplementary industry, that it is a cottage industry in its proper sense because it is carried out in rural areas by small families ultimately collected by the commission agent and then sold by the retailer, notwithstanding all that I feel that it is a very important cottage industry. In one of the estimates which was given, it was shown that some two lakhs of people, either wholly or spasmodically, are actually employed in carrying on this avocation. I really want that these two lakhs should grow into a bigger number so as to replace all the match that comes from elsewhere. I have always felt that in addition to the protection that any State can grant, the greatest protection is the patriotic feeling and the patriotic action of men of that country. I said the other day that it will be a great day for

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us when we began to realise that by buying anything cheaper or better, we were only retaining an anna instead of paying 15 annas to Smith. I would rather retain the 15 annas and pay 18 annas instead to one of our children of the soil. That is the economics to which, at all events, I pledge myself. It may be right or it may be wrong. I believe that it is right and I have the courage to say it before this House. Sir, it is in that spirit that I support this Resolution.

The Honourable Sir James Grigg (Finance Member): Sir, this Resolution started by being an innocent looking Resolution relating to the setting up of one cottage industry. The number of issues which have been raised during the course of the debate have almost taken my breath away, particularly those raised in the speech of the Leader of the Opposition. First of all, he gave us a resume of his side on an economic debate that he had with some learned economists. But he has not presented you with the other side of the picture which I will now try and do in a few words leaving myself and the Leader of the Opposition to argue out the matter fully in private. The Leader of the Opposition says that he would rather the people of India paid 18 annas to buy goods which they could buy for 15 annas from outside because these 18 annas would remain in the country. But that is not quite what happens. He assumed that the whole eighteen annas would be re-distributed to the poor cottager.....

Mr. Bhulabhai J. Desai: I did not say that.

The Honourable Sir James Grigg: What I fear is that not only the three extra annas but most of the fifteen would go to the Indian industrialist and that the great masses of the people of this country would be worse off than before, not possibly in money but in the goods their money will buy,—and that is the question which he carefully did not put before you,—that the result of high protection is not to give a rebuff to John Smith or some German or Swede or Japanese,—Mr. Okamura is the generic name, I gather—it is not that at all. It may give Mr. Okamura a rebuff but it also gives all the masses of India a blow too, and the only result is that the Indian industrialist makes a vast fortune, partly at the expense of John Smith but mainly and indeed almost entirely at the expense of the Indian peasant and that is the real statement of the economic problem and not the over-simplified one which the Leader of the Opposition gave you. Sir, the next issue raised by the Leader of the Opposition is whether the policy of protection has or has not been a success. I would ask you to follow with me for two minutes the chain of thought which has gone on. First of all, we must have industries; therefore, we must have protection; and, therefore, by the process of very high protection you keep the foreign product out, and you start factory industries in India. Then you get to the stage when you have your factory industry,—and another idea comes to you: “would it be a good thing? Are we so right in wanting factories? Is not what we want cottage industries? We must kill these enormous and obscene growths and we must go back to cottage industry”. And, therefore, you take measures for encouraging the cottage industry and for destroying the factory industry. At the end of that process I would like to point out to you what in fact happens. Your revenue has been destroyed! And on the figures given by Mr. Sri

Prakasa arising from recollections of early childhood when I think there were two boxes for one pice each containing eighty sticks, now for the one pice you get one box containing forty sticks; in other words, the result of this process is that the cost to the consumer has gone up four times,—and you have lost all your revenue,—and nobody is any better off! That is the process which Honourable Members seem to want to pursue in this case. Or is this fear of industrialization that industrialization is obscene and ridiculous only when it results in this inevitable consequence of excessive protection, that is to say, some efficient foreign manufacturer sets up under the aegis of your tariff? The Leader of the Opposition with his usual game, which he plays most skilfully, *viz.*, that of having it both ways, wants protection, but he does not like to face the inevitable result of protection, all that happened over matches, and other inevitable consequences.....

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Why? You can prevent that by legislation.

The Honourable Sir James Grigg: . . inevitable consequences of excessive protection, unless you super-impose on that a measure which, in the last analysis, will have to be this,—‘no non-Indian shall carry on any enterprise in India’.....

Mr. M. S. Aney (Berar: Non-Muhammadan Rural): By all means, an ideal state of things!

Mr. Bhulabhai J. Desai: You have been long enough!

The Honourable Sir James Grigg: Now, we know where we are! Proceeding from this innocent debate on encouraging cottage industries, we have got at the real objective of the Party opposite—another demonstration as to the merits of autarchy. I cannot quote the exact words, I have not them here, but if Honourable Members opposite are so extremely keen on the merits of autarchy, I think, they might read with some care Herr Hitler's last speech in which he proclaimed that Germany can never become self-sufficient,—or words to that effect—and the other fact of that same truth,—‘Germany must export or die’. (Interruption.) I do not propose to be drawn any more into the issues which have been raised by this debate and which ought not to have been raised if the Resolution had the innocent meaning that its actual words portended. Sir, my position is a very simple one. I have no intention whatever of being betrayed into saying anything which may be regarded as a condemnation of the idea that cottage industries have a great part or ought to be able to play a great part in the future economy of India. Everybody, particularly when unemployment remains at its present level, sympathises with the object of that. Incidentally, however, I did a little rapid mental arithmetic while Mr. B. Das was speaking as to the number of matches that could be produced by one of his cottage factories per diem,—and I would rather like to know what size of a cottage it would take to produce two hundred thousand matches a day.

Mr. B. Das: Ten thousand grosses per annum.

The Honourable Sir James Grigg: Ten thousand gross of boxes, that is, two hundred thousand matches a day. He was talking about ten thousand gross boxes per annum. That is thirty gross a day of boxes, and there are forty matches in each box.

Mr. Bhulabhai J. Desai: And you divide by the number of cottages.

An Honourable Member: Two hundred thousand matches a day.

The Honourable Sir James Grigg: And I repeat my question to Mr. B. Das—what size of a cottage is it which is going to produce two hundred thousand matches a day?

Mr. Bhulabhai J. Desai: Two hundred cottages of that size.

The Honourable Sir James Grigg: Sir, Mr. Lloyd has made it quite clear that this is a question to us of revenue,—the danger of the proposals put forward in the Resolution and the logical extension of them if the policy therein is to be given full effect to is the loss of a very great deal of revenue. The Leader of the Opposition says, "I do not care a bit".

Mr. Bhulabhai J. Desai: Give the 'if'.

The Honourable Sir James Grigg: He says "That is what I want". We have been pretty successful in losing revenue over the protectionist policy. He says "I do not care". But, unfortunately, the existing Government, even if it is under sentence of death, cannot be quite so light-hearted as that.

Mr. Bhulabhai J. Desai: Have the cut in salaries.

The Honourable Sir James Grigg: So that the whole question amounts to Honourable Members opposite proposing to spend say a crore odd of revenue in subsidising one particular cottage industry, never mind where the money is to come from! If you go on spending a crore on each of your cottage industries you want a good deal more taxable capacity than India has got. As I say, Government cannot afford to be so light-hearted about throwing away large sums of revenue and, therefore, we will be obliged to oppose the Resolution. In doing so, we want to make it quite clear that nobody on the Government side wishes to express any opinion for or against cottage industries.

Mr. S. Satyamurti: I thought you said something for cottage industries.

The Honourable Sir James Grigg: Nobody on the Government side wishes to say anything against the general objective of fostering cottage industries. Nobody on the Government side wishes to express any opinion on the merits or demerits of the new policy that no foreigner shall carry on business in India in any shape or form.

An Honourable Member: Nobody has said that.

The Honourable Sir James Grigg: The Leader of the Opposition does not challenge that statement of his view. All we wish to do in dividing the House on this Resolution is to prevent creating the impression that by refraining from dividing the House Government think the loss of revenue involved a matter of no concern.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan, Rural): We know that the Unani system of surgery is based upon operation on a monkey which Aricenna performed in the 9th century and that is the basis of all surgical knowledge in that science. The fiscal policy of the Government of India is in the same position as the Unani Surgery. Some years ago there was a commission called the Fiscal Commission. They wrote a report in 1921 and still they are accepting it as a gospel truth whenever it suits them. Many things have happened since 1921. The whole idea of trade has changed. Economic policies have altered. We have seen the troubles in Germany and we have seen how the prosperity of a country has been estimated at different times. At one time it was supposed that the prosperity of a country depends upon the favourable balance of trade. Germany exploded the theory. Later on it was maintained that prosperity depends upon the stability of prices. This theory was also given up. The world is changing. Yet my friends on the Treasury Benches still rely on the report made in 1921-22. The Fiscal Commission reported on the conditions which existed immediately after the war. Conditions have changed enormously since then. Government continues to quote this report whenever it suits them but, in practice, they have not followed the principles laid down in that report. In the Bill which the Government brought forward in 1934, they chose at random certain articles on which they increased the prices and they said the object was to raise the price level of those articles to the level of 1930. So the fiscal policy of the Government of India is as antiquated as the knowledge of the Unani system of surgery which is based on the operation on one single monkey. Take the case of the protection policy. We have been going backward and forward. We don't know where we are pulled into. Coming to the reports of the Tariff Board on matches, we find that, they do not know their own mind. On page 102 of the report they say:

"We consider that the manufacture of matches organized as a cottage industry has hardly any future and that on account of the dangerous character of some of the materials employed in it, it is not a fit industry for development on cottage lines. We cannot therefore recommend any special measures for the encouragement of cottage match factories."

Later on they say:

"If, however, an excise duty is imposed on matches manufactured in India, a reduction not exceeding two annas per gross should be made in the case of cottage factories in consideration of their limited resources."

So, I say, they do not know their own mind. In one paragraph they do not recommend any encouragement to the cottage match industry and in the next paragraph they say that a reduction not exceeding two annas per gross should be given to cottage industry. There is one other defect in the recommendations of the Tariff Board. They never take into consideration the view point of the consumer. Therefore, it is very desirable that we should reconsider the whole question of our taxation and protection

[Dr. Sir Ziauddin Ahmad.]

policy. I should very much like the whole world to be treated as one unit, and there should be free trade and each country should develop the industry for which economically it is most suited. And, further, there ought to be a single currency for the whole world. But, unfortunately, after the war, every country has put up high tariff walls and they want to isolate themselves. They have developed their own peculiar language, so that they can neither be understood nor heard but they want their articles to be exported. My friend, the Finance Member, said: 'Germany wants either to export or to die' but at the same time they put up high tariff wall, and live without any currency. Each country is anxious to develop its own language not intelligible to any person outside the high wall. These are the two manias from which the world is suffering.

The Honourable Sir James Grigg: The third being "higher mathematics".

Dr. Sir Ziauddin Ahmad: My friend talks of higher mathematics. I wonder whether it helped him to face the hard realities of life. Here we have seen that if we follow the policy of open market and free trade we will soon be squeezed out. Every country has become mad in favour of protection.

The Honourable Sir James Grigg: You will be forced to go mad too.

Dr. Sir Ziauddin Ahmad: We will be forced to take our own steps to enable us to exist in this world. But at the same time we should recognise that India is a country of villages. Whatever scheme of protection we may adopt, it is impossible for us to ignore the cottage industry of this country. We have to face a dual problem. We have to protect our mills from foreign competition and we have to protect our cottage industries against the mills of our own country. We should also consider that India is a poor country and the consumers are very poor in India, if we raise the prices too high, consumption will diminish. We will have, therefore, to fix prices so that the article may be within the means of consumers. The question of protection, so far as India is concerned, is not so simple a matter as in other countries. There they have only one problem to face, and that is, to protect the home industry. But here we have got three problems, namely, to protect the mills from foreign competition, to protect the cottage industries from our own mills and the mills from outside and we have got to protect the consumer who is poor and who has got no money to spend in order to buy expensive articles.

There is another important question which has been referred to both by the Leader of the Opposition and the Honourable the Finance Member. That is the question of factories built up by foreigners. I have repeatedly said on the floor of this House that our English friends want some facilities in a manner that there may be no racial discrimination. We are prepared to give them the facilities. They open a door, and what frequently happens is that through this backdoor more foreigners pass than English people. That is our chief difficulty and we will be much better off economically if we say once for all that the Englishmen enjoy all the privileges of Indians, and thus cement the backdoor. We have to protect our own industry not only against foreign articles, but against factories opened by foreigners in this country.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has got four minutes more.

Dr. Sir Ziauddin Ahmad: These factories are established in India in order to avoid the customs duty. We know that whenever a protective duty is put on any article it immediately reduces the income of the State. That has happened in the case of the match industry and in the case of other industries. By high protective duties State loses its income and country is not benefited. There is a loss of revenue to the State whenever a protective duty is imposed. Immediately foreigners come here and open their factories in this country, by sometimes registering the company in India and sometimes registering it in a foreign country and establishing a branch factory here. The result is that the advantages we had in mind when giving protection to our Indian industries disappear and the disadvantage of our losing the State income remains. Therefore, we have to revise the whole of our fiscal policy and the time has now come when the Government of India should seriously consider this particular matter and recognise definitely that the policy of taxation and protection laid down in 1921 does not suit the conditions which exist now in 1939, and that the Government had been groping in the dark. One individual Member of the Government comes along and adopts one economic policy, his successor comes and adopts an entirely different policy. One Commerce Member said, though the Tariff Board had recommended a certain quantum of protection, but we should give 50 per cent. higher, in order to create more factories who would compete with each other and by cut throat competition the prices would come down. But he entirely forgot that all those manufacturers would combine together and artificially raise the prices as we see in the case of sugar. The sugar manufacturers have combined together and have raised the prices to such an abnormal extent that the consumer cannot afford to buy the article. The Government has been moving about absolutely in the dark. Any Secretary or Under Secretary writes a note on any particular commodity. He puts it to the Secretary, then it goes to the Member, and it becomes the fiscal policy of the Government.

The Honourable Sir James Grigg: That is not true.

Dr. Sir Ziauddin Ahmad: It may not be true in the case of the department over which the Finance Member presides, but it is certainly true in the case of some other departments. In one particular case my Honourable friend himself was a partner. I can quote it.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member's time is up.

(Dr. Sir Ziauddin Ahmad then resumed his seat.)

Some Honourable Members: Let the question be now put.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is: *

"That this Assembly recommends to the Governor General in Council that with a view to encouraging the manufacture of matches with the aid of hand appliances as a cottage industry the rebate on hand-made matches be enhanced and that the licence fees on such producing concerns be reduced."

The Assembly divided:

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

AYES—60.

Abdul Ghani, Maulvi Muhammad.
 Abdul Qaiyum, Mr.
 Abdullah, Mr. H. M.
 Abdur Rasheed Chaudhury, Maulvi.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Azhar Ali, Mr. Muhammad.
 Bajoria, Babu Baijnath.
 Banerjea, Dr. P. N.
 Basu, Mr. R. N.
 Bhutto, Mr. Nabi Baksh Illahi Baksh.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachelam.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chaudia.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Mr. Govind V.
 DeSouza, Dr. F. X.
 Essak Sait, Mr. H. A. Sathar H.
 Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
 Govind Das, Seth.
 Gupta, Mr. K. S.
 Hegde, Sri K. B. Jinaraja.
 Jogendra Singh, Sardar.
 Kailash Behari Lal. Babu.
 Kushalpal Singh, Raja Bahadur.
 Lahiri Chaudhury, Mr. D. K.

Lalchand Navalrai, Mr.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Manu Subedar, Mr.
 Mudaliar, Mr. C. N. Muthuranga.
 Muhammad Ahmad Kazmi, Qazi.
 Murtuza Sahib Bahadur, Maulvi Syed Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Parma Nand, Bhai.
 Raghubir Narayan Singh, Choudhri.
 Ramayya Prasad, Mr.
 Rao, Mr. M. Thirumala.
 Saksena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Sham Lal, Mr.
 Siddique Ali Khan, Khan Bahadur Nawab.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Sivaraj, Rao Sahib N.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Subbarayan, Shrimati K. Radha Bai
 Umar Aly Shah, Mr.
 Varma, Mr. B. B.
 Zafar Ali Khan, Maulana.
 Ziauddin Ahmad, Dr. Sir.

NOES—42.

Abdul Hamid, Khan Bahadur Sir.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Aikman, Mr. A.
 Ayyar, Mr. N. M.
 Bajpai, Sir Girja Shankar.
 Bewoor, Mr. G. V.
 Boyle, Mr. J. D.
 Buss, Mr. L. C.
 Chanda, Mr. A. K.
 Chapman-Mortimer, Mr. T.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur Captain.
 D'Souza, Mr. Frank.
 Greer, Mr. B. R. T.
 Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 Hardman, Mr. J. S.
 James, Mr. F. E.
 Jawahar Singh Sardar Bahadur Sardar Sir.
 Kamaluddin Ahmed, Shams-ul-Ulema.
 Lillie, Mr. C. J. W.
 Lloyd, Mr. A. H.

Mackcown, Mr. J. A.
 Maxwell, The Honourable Mr. R. M.
 Menon, Mr. P. A.
 Menon, Mr. P. M.
 Miller, Mr. C. C.
 Mukerji, Mr. Basanta Kumar.
 Nur Muhammad, Khan Bahadur Shaikh.
 Ogilvie, Mr. C. M. G.
 Rahman, Lieut.-Col. M. A.
 Row, Mr. K. Sanjiva.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan, Captain Sardar Sir.
 Sircar, The Honourable Sir Nripendra.
 Spence, Mr. G. H.
 Staig, Mr. B. M.
 Stewart, The Honourable Sir Thomas.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Thomas, Mr. J. H.
 Zafrullah Khan, The Honourable Sir Muhammad.

The motion was adopted.

RESOLUTION *RE* POSITION OF WOMEN UNDER THE EXISTING LAWS.

Sri K. B. Jinaraja Hegde (West Coast and Nilgiris: Non-Muhammadan Rural): Sir, I move:

"That this Assembly recommends to the Governor General in Council that a committee be appointed, consisting of a chairman and eight other members, of whom not less than five shall be non-officials, who shall include women to examine and report on :

- (1) the present position of women under the existing laws with special reference to—
 - (a) rights and disabilities in regard to ownership and disposal of property,
 - (b) rights of guardianship over children,
 - (c) rights to maintenance,
 - (d) rights in respect of joint family property,
 - (e) rights of inheritance and succession,
 - (f) marital rights;
- (2) the various other aspects in which the existing laws relating to these matters stand in need of reform;
- (3) the legislative measures that should be enacted to carry out the necessary reform."

Sir, this is a Resolution concerning the women of India. This matter should have properly fallen to the hands of our Lady Member, Mrs. Subbarayan, though, I consider that it should be the concern of every Member of this House to bestow a serious thought over the problems facing 170,000,000 of women of this country. If women of India are found to be the most backward human race in the world, the responsibility, in my opinion, for such a state of affairs lies more on men of India than women. It is a common knowledge that women in India are treated more like chattel than human beings. They are governed by the same old Law of inheritance, maintenance and marriage, which was laid thousands of years ago under entirely different mode of living. We all know, the Law of the land must change and must keep pace with the growth of civilization. To-day all women are not confined to the kitchens. The growth of civilization and learning, the various problems of the world and of the country, facing men and women alike, have developed a sense of independent thinking. The idea of a patriarch holding all and governing all, according to his whims and fancies, is a relic of the past. Today the popular demand is "Independence", independence to one's own country, and independence to one's self.

Property, Sir, is again according to the present day ideas, not to be held and utilised by few men alone, but it should be equally distributed to all, so that every one of God's creatures may enjoy His creation, without fear or favour and without any restriction as to sex.

With these premises, let me examine the present state of women in this country with regard to their capacity to hold and inherit properties. No doubt the civil law of the land does not make a distinction with regard to woman's capacity to hold properties or to use them in any manner she likes. But the whole difficulty arises in getting the properties or assets to own.

4 P.M.

[Sri K. B. Jinaraja Hegde.]

Under the Hindu Law, which governs nearly 120,000,000 women in this country, the woman does not inherit any property, except in a few cases of *Stridhana*. Under the Dayabagha Law, prevalent in Bengal, religious efficacy is the guiding principle of succession, under the Mitakhara Law, religious efficacy and some times consanguinity are the principles that determine inheritance and survivorship. Under both these systems, a woman, whether widow, mother, daughter or sister, though heirs in the absence of male heirs, cannot hold properties absolutely. They hold limited estates with only right of enjoyment until their life time and absolutely no right of disposal except in a few specific cases under Bombay School.

If there are two brothers, both married, and if one of them dies leaving a widow, under the Dayabagha Law the widow would succeed to enjoy $\frac{1}{2}$ the share of the properties until her life time, but under Mitakhara School the widow would be entitled to maintenance only and the whole property would pass to the surviving brother. Males under Hindu Law succeeding to a male or a female get absolute ownership whereas a female succeeding to a male or female mostly get a life estate, as limited owner, except in few cases in Bombay.

Stridhana is a specific kind of property under Hindu Law. Strictly according to the meaning of the term "*Stridhana*" it should mean "woman's property". But the name is anomalous. It is not always that a woman has full rights of disposal over her *Stridhana* properties. It consists of all kinds of gifts made to her, at the time and after her marriage by her father, mother, brother or their relations or by husband or by her sons. And it does not include any property which she may inherit either by reason of her birth in a family or being married in a family. According to Mitakhara School two propositions are laid down (1) every kind of *Stridhana* belonging to a woman passes on her death to her heirs and (2) every kind of *Stridhana* cannot be disposed of by a woman. Property consisting of gifts from strangers or her own earning by guins of science or art or property given to her by the husband out of affection cannot be dealt by her absolutely without the consent of her husband.

Whether a particular property is her *stridhana* or not is determined by the source from which the property is acquired, her status at the time of acquisition, whether married or unmarried, and the school of Hindu Law to which she belongs.

In a certain case, where the parties were Jains, it was held that the widow was entitled to her husband's properties and that it was her *Stridhana*. The decision was based on proof of a custom, which the party succeeded in proving in that particular case, as against too strong presumptions usually held by the British Courts against custom in such cases. This rule is not available for general application in all cases. Nor is it easy to prove a custom of that nature in every case that comes up before courts of Law. Whatever might have been the nature of such a property, in the minds of framers of Hindu Code, it is the established law today, that the property of the husband to which a woman succeeds, is only a life estate to her, to be dealt with absolutely after her death by male relations of her husband, who were least concerned either in acquiring it or maintaining it.

Succession to *stridhana*, again, varies in different schools of Hindu law and depends on various factors:

- (a) As to when the woman acquired it.
- (b) Whether when acquiring she was married or unmarried.
- (c) Whether her marriage was in an approved or unapproved form.
- (d) Source from which the properties came and;
- (e) The character of *stridhana* whether jewels, money, house property or agricultural property.

In the line of succession to *stridhana* the uterine brother intervenes before the mother or daughter whether married or unmarried. Even gifts received from the husband, and from relations after the marriage, goes not to her unmarried daughters, but in equal shares to sons and unmarried daughters. In all schools except in Bombay a female succeeding to *stridhana* properties gets only a life estate, therein, and it passes on from hand to hand until a male gets it, when he would hold it absolutely to the exclusion of all females. Thus a Hindu woman practically has no chance of holding and enjoying any property absolutely. Though she could enter into any contract, her liability is always limited to the extent of the value of her *stridhana* properties over which she has absolute right of disposal.

Under the original Jaina law, the widow succeeded to her husband's properties even if there was a son and she could deal with the properties just in the same way as her husband dealt with it. The son had no right to own or deal with the properties so long the mother was alive; but by the advent of British Courts the steam roller of Hindu Law was applied on all who came under the broad term "Hindu" and the Jains have lost the privilege of being governed by their own personal law which was a real improvement on the Hindu Law, shorn of all its inequities meted out to women folk.

The Muhammadan Law, which is of later origin, does not recognise a life estate as in Hindu Law. A gift to a Muslim woman for life, it has been held, operates as an absolute gift. Except under Wakf, nothing else can create a life estate. Though this is slightly modified later on by British Courts, it is clear that the original Muslim Law did not contemplate life estates. A female under Muslim Law is as competent as a male to hold properties absolutely. Wife is a sharer in her husband's properties as much as the son. And whatever she gets as her share she takes it absolutely. Daughters, mothers, sisters, uterine sisters, son's daughter, widow, are different classes of females who inherit some share of the property and take it absolutely. The right of a daughter to obtain her share cannot be defeated by her father without her consent.

To compare the two systems, one has only to imagine as to what happens if one dies leaving one daughter and a son. Under the Muslim Law, the son gets $\frac{2}{3}$ share and the daughter $\frac{1}{3}$ share, but under the Hindu Law the son takes the whole and the daughter gets nothing, whether married or unmarried. But an inroad has been made into this fair law by the Wattan Act of 1886 (Bombay) whereunder the daughter of a Muhammadan has been excluded from inheritance. By another Act, I of 1869, applicable to the Talukdars of Audh, daughter and daughter's son were excluded from inheritance.

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Now, this brings me to the rights of women under the Indian Succession Act. The Succession Act is of recent origin, the rights of women came to be better recognised in the several enactments that are now consolidated in the Indian Succession Act. When a Christian dies intestate, $\frac{1}{3}$ of his properties goes to his widow and $\frac{2}{3}$ to the lineal descendants, if he has no lineal descendants, but he has left kindred persons like brothers and sisters $\frac{1}{4}$ of the properties goes to the widow and the other half to brothers and sisters. If there is no kindred then the whole property goes to the widow. There is no limited estate like the widow estate under the Hindu Law. Every female takes absolutely. Where the net value is less than Rs. 5,000, the whole of the estate goes to the widow in the absence of lineal descendants. Where the intestate has left only children, they share equally without distinction of sex. The brothers and sisters also share equally without distinction based on sex.

The law applicable to Parsis is slightly different. The widow in the absence of paternal relatives takes whole of the intestate properties. In the absence of a widow the properties are divided among his children so that share of each son is four times the share of each daughter.

Thus the rights of women with regard to ownership, inheritance and succession differ great deal among different communities in India without any apparent justification.

Now, let me examine the provision for maintenance of female relatives. Under the Hindu Law, the wife is entitled to maintenance but she cannot claim a permanent arrangement for it. It is only a personal obligation of the husband, even if he has properties. She can neither claim a share in it nor can she follow it, in the hands of creditor of the husband. Whether the properties of the husband are sold for just or unjust debts or family debts is of no consequence. The widow's maintenance is not an *ipso facto* charge upon the properties. The debts take a precedence over the right to maintenance. If the woman happens to have *stridhana* properties it is yet doubtful whether in such cases she could claim maintenance from the family properties. The amount of maintenance is liable to be decreased if the value of the joint family properties or income thereof decreases. A widow's maintenance is conditional on her living a life of chastity. So in all claims by a woman for maintenance, unchastity is the defence, whether true or untrue, and the defendant cannot be proceeded against for defamation if found untrue, because it is a legal defence open to him. Chastity is a rule under Hindu Law applicable to women alone and the males are exempted from it. A Hindu is bound to maintain his mother and his unmarried daughter but he is not bound to maintain his unmarried sister unless he has properties inherited from his father. Whether a widowed daughter who could not obtain maintenance from husband's estate, because he had none, could legally obtain maintenance from father's estate is yet unsettled law. The Bombay High Court has held that she acquires no such right whereas the Calcutta High Court has held that she acquires such a right. There is no right under Hindu Law for illegitimate daughters to claim maintenance though sons could. Under the Muhammadan Law daughters are bound to be maintained by the father until they are married or reach the age of puberty. The wife is entitled to maintenance but she cannot claim past maintenance. But the claim for maintenance by the wife can always be defeated by the husband divorcing her.

Under the Malabar Law, it has been held that wife cannot claim from her husband and children from their father, maintenance, if their family were in a position to maintain them. This decision is based on the ground that "marriage" under the Malabar Law is only a "legalised prostitution". May I point out that this is prostituting the Malabar Law itself. The marriage is as sacred under this Law and creates as close a tie between man and woman as marriage under any known system of law. No doubt the section 488 of the Criminal Procedure Code provides for the maintenance of wife and children legitimate or illegitimate, but the provision is not without difficulties. It is incumbent on the claimant to prove that the marriage was held in an approved form and the parties were married lawfully according to their personal law. Serious difficulties arise in cases of interprovincial and intercaste marriages. The mere fact that a man and a woman lived as husband and wife should be sufficient to a claim for maintenance by the wife or her children.

This brings me, Sir, to the question of marriages. Under the Hindu Law marriage is a sacrament that determines inheritance and succession. Conversion of a Hindu married woman does not dissolve the marriage except under the Native Converts Marriage Dissolution Act, 1886, where the court could pass a decree dissolving the marriage on an application by the convert. Conversion *per se* does not operate as a dissolution. Re-marriage of a Hindu widow is legalised under the Hindu Re-marriage Act of 1856. But such a woman would lose all her rights under the Hindu Law and she is civilly dead for all purposes. Hindu Law does not recognise divorce. The Indian Divorce Act of 1869 applies only where one of the parties is a Christian convert. Thus, both these Acts are not improvements on the institution of Hindu marriage. They are enabling Acts for converts to dissolve the Hindu marriage ties.

Under the Hindu Law, the husband is the guardian of his minor wife. He can demand her presence in his house even if the marriage has taken place against her consent. Infidelity on the part of the husband, minority of the wife, or the presence of several wives and concubines of husband in his house is no valid ground for refusal to stay with him. Christian marriage is a contract but divorce is not permitted. Marriage under Muslim Law is also a contract but it recognises divorce. A Christian can marry only one wife, a Muslim can have four wives at one time but a Hindu can have any number of wives. The rigour of the Hindu marriage and the consequences thereof, with least civil liberty to wife, have put a large section of 120,000,000 Hindu women to untold miseries. The misery of an uncomfortable life of Hindu wife is more to be imagined than described. The life of a Hindu widow is worse.

Under the Hindu Law, no doubt the mother is a legal guardian, but the father could defeat this right, he could by his will appoint a guardian of his children and their properties though their mother is living. The father is entitled to the custody of the minor child in preference to the mother. Even though the father changes his religion, he is still entitled to the custody of his children. But, under the Muhammadan Law, the mother is entitled to be the guardian of a male child until he is seven years of age, and of a female child until she attains puberty. I would commend this rule for acceptance by all communities in India.

There are few other matters that come under the scrutiny of woman's rights, for instance, the right to adoption under the Hindu Law, requires a

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drastic change and the law should be made uniform in this respect. There is no reason why a woman should be refused the right to adopt to herself a girl or a boy when her husband failed to adopt to himself.

Sir, I place the following suggestions for improvement of womenfolk of this country, when Government think fit to appoint a Committee: -

- (a) All distinction between a male and female should be removed in the matter of inheritance and succession, and the principles enacted in the Succession Act should be followed as far as practicable. There should be no life estates to women.
- (b) Marriage should only be a matter of contract between two free individuals with right to divorce, if necessary, on specified grounds.
- (c) Guardianship over children up to the age of seven years in case of a male, and 14 years in case of a female, should be the concern of the mother.
- (d) Wife should have the right to adopt to herself a male or a female on failure of the husband.
- (e) Every marriage should create a definite right to share the properties of husband by the wife.

Whatever justifications there were at the time when these laws were first laid down, the time has come to change the time-worn law which is only an anachronism in the present day world and social relations. I hope the House would adopt the Resolution.

Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Resolution moved:

"That this Assembly recommends to the Governor General in Council that a committee be appointed, consisting of a chairman and eight other members, of whom not less than five shall be non-officials, who shall include women to examine and report on:

- (1) the present position of women under the existing laws with special reference to—
 - (a) rights and disabilities in regard to ownership and disposal of property,
 - (b) rights of guardianship over children,
 - (c) rights to maintenance,
 - (d) rights in respect of joint family property,
 - (e) rights of inheritance and succession,
 - (f) marital rights;
- (2) the various other aspects in which the existing laws relating to these matters stand in need of reform;
- (3) the legislative measures that should be enacted to carry out the necessary reform."

The Honourable Sir Nripendra Sircar (Law Member): Sir, I rise very early during the discussion of this Resolution, because I am not too sure whether I shall be able to take part in it when it comes up again for discussion on the 11th or 12th April; otherwise, I would have preferred to listen to some more speeches before taking part in it. Sir, it is a coincidence that this House is dealing only with inflammable materials today. We started with matches, and now we have come to the ladies!

Sir the Resolution is so unpractical and it imposes such a duty on any committee who may have the misfortune to be appointed that I would have expected the Honourable the Leader of the Opposition, metaphorically, to put his foot down and not allow this to be moved. But, unfortunately, unlike myself, the Leader of the Opposition has not reached that age when he can resist successfully the blandishments coming from certain quarters.

Coming to the Resolution, Sir, I do not desire to repeat its various parts, but the first part requests that a committee should be formed of eight members who will include women. There will be some women,—the number has not been mentioned but let us assume that there will be three women and five men or, on the principles of equality, four and four, or on the basis of Dr. Deshmukh's Bill where woman has a higher position, five women and three men. But, whatever it is, I ask the House to realise what the task of this committee will be. This committee of five very learned super-men and three learned super-women will discuss the whole of Hindu law, Muslim law, the law applicable to Parsees and Sikhs and Jains and then they will send a report, "Sir, we beg to report that these are the matters in which reforms should be introduced."

As regards the first part, the report is very easy to make. If I were a member of the committee I should say: "Being appointed a member of this committee by Resolution number so and so, I beg to report that the Hindu law is to be found in Mulla's book, which is being sent herewith and I expect to be paid Rs. 7-8 in return." What is the difficulty that the Honourable the Mover has found in understanding Hindu Law? I am now confining myself to Hindu Law because so far as the Muslim Law is concerned I do not think that for one moment, any Muslim Member of this House will agree to have a committee telling them in what way the *Shariat* should be reformed. What is the difficulty in finding out the rights and liabilities in regard to the holding and disposal of property

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): But why deprive us of this Rs. 7-8?

The Honourable Sir Nripendra Sircar: When it comes to Muslim Law, I would say: "I beg to forward herewith a copy of Mulla's Muslim Law, price Rs. 2-6"

Mr. Muhammad Azhar Ali: I will send Armeer Ali, two volumes, for Rs. 28.

The Honourable Sir Nripendra Sircar: I was dealing with Hindu Law, and the point I was making was, there is not the slightest difficulty in finding out what the law is. It can be found from any reliable text-book, and if any one has any objection to Mulla, he can look up some other book.

So far as the first part of the Resolution is concerned, there is really nothing in it. As regards the second part, the various other aspects in which the existing laws relating to these matters stand in need of reform—what are they? What are the aspects which have been described before and what are the other aspects in part (2)? Or, is the Honourable the Mover under the impression that the committee will start with the major premise that so far as part (1) (a) to (f) is concerned there must be reforms and they should go and find out if there are other aspects in which reforms are necessary?

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): What about cosmetics?

The Honourable Sir Nripendra Sircar: That comes under clause (f)—marital rights. Confining myself to Hindu Law again, I have no desire to refer to rulings or things of that kind or tire the patience of the House; but let us see what is the magnitude of this task. I shall come to the other communities later on. First of all, if one will turn only to one heading in Mulla, he will find what we are confronted with. For political purposes, there might be one community—the Hindu: but for laws of succession and other matters, we have got at least a dozen schools with their different rules of succession and rules relating to other matters. I will not go on reading out from text-books, but I would refer the House to pages 11 and 12 of Mulla's Hindu Law: starting with the statement that the two main schools are the Mitakshara and the Dayabhaga, he proceeds to point out in the next page the various sub-divisions—the Mithila school, the Benares school, the Maharashtra school, the Dravida or Madras school: again I do not want to tire the patience of this House—the rules of succession are different: the rules of prohibited degrees in marriage are not the same in the Dayabhaga as in the Mitakshara: whether a woman loses her right of property on the ground of unchastity there is a slight difference between the Mitakshara and the Dayabhaga; and I ask this House, if any Member of this House were a member of this committee, what reforms would he suggest as regards the Hindus? If you suggest what may be acceptable to the people whose ideas are consonant with the rules of the Dayabhaga school, why should the other Hindus accept that? I believe that the committee is not expected to say that all these differences will be kept up.

Again, coming to the next subject which was just touched by the Honourable the Mover—what is called *stridhana* property or what in English text-books is described as the peculiar property of women, may I remind the House that there also the laws differ in the different schools of Hindu law as regards succession; and not only that; they are not agreed as to what is *stridhana* and what is not. What is the reformist going to say? The question is what reforms should be made. How is any member of the committee going to answer that question? That must vary with the length of the reformer's foot. I am sure, if I put Pandit Aney on the committee, we shall have one report, and if I put Mr. Hegde on the committee, there will be another report. It is impossible even to imagine that we can have a report from a number of persons sitting in a committee, which will be acceptable to the Hindu community at large.

Then, Sir, is not there an obvious way to deal with this matter? We know what the law is; and those who are complaining of Hindu Law—and I do not say there are no grounds for complaint—what is the procedure to be followed? If you are dissatisfied with any provision of Hindu Law, by all means try this House. That has been done. Many Bills have been introduced by the Hindus. The other day, Mr. Kazmi's Bill was passed. That is the way in which you can find out whether a law is going to be accepted by the House. But to expect a committee to produce a report upon which the Government will proceed to do the reforming business is, I submit, an Utopian idea. Then, I would like to know what is the community which has demanded a general revision of laws as is indicated by the Resolution? Which community has done it?

An Honourable Member: Women.

Another Honourable Member: Feminists.

The Honourable Sir Nripendra Sircar: I believe my friend is so gallant where ladies are concerned that he does not recognise communities: they all belong to the same community. But what I had in mind was that if, for instance, the Muslims are concerned, they do not want this committee to bother themselves as to how the *Shariat* is going to be reformed: they will not stand it.

An Honourable Member: How do you know?

The Honourable Sir Nripendra Sircar: I shall leave others to speak. You will very soon hear how they will look upon your attempt—and when I say “your”, I am not meaning anybody personally, but the attempt of a committee of this kind of eight persons of whom probably one or two will be Muslims, to lay down how the Muhammadan law of succession or property or guardianship of children should be reformed: they will not stand it: I am sure of it. If I am mistaken, we shall hear other speakers who will correct my mistake

Major Nawab Sir Ahmad Nawaz Khan (Nominated Non-Official): You are quite correct so far as Muslims are concerned.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): No true Hindu will accept it.

The Honourable Sir Nripendra Sircar: I know in this House one true Hindu. As regards the other communities, has there been a general demand for revision? What about the Sikhs? What about the Jains? What about the Buddhists? They do not ask that the law should be generally revised.

Mr. M. Ananthasayanam Ayyangar (Madras Ceded Districts and Chittoor: Non-Muhammadan Rural): The Mover is a Jain.

The Honourable Sir Nripendra Sircar: Now, Sir, we have got to remember another peculiar difficulty existing under the Hindu Law. As I said yesterday, one method of getting rid of all these difficulties is to become Mussalmans. But if that is not acceptable, then the difficulties have got to be pointed out. Under the Hindu Law, as Honourable Members are well aware, unless there is express enactment to the contrary or unless it is opposed to public policy, customs override the texts—and that explains the various technical rules of succession which have been called customary law overriding the general provisions of the Hindu Law. That also explains the existence of these big Rajes. Then we have Ghatwals. In impartible Rajes, there is often the family custom of female exclusion and the inheritance goes to one single heir. I may remind the House that by custom we have got all these big Ghatwals in Monghyr and other places where they have got their peculiar rules of succession. These customs, as Honourable Members will remember, may be local or they may be confined to a class or they may be even confined to a family. It is this family custom which is responsible for the peculiar law of the Ghatwal Rajes. Is this Committee going to discuss all these family customs and then to report: “Now that a spirit of reform has come,

[Sir Nripendra Sircar.]

we destroy all these things in one clean sweep of four lines in a paragraph saying these are not wanted and they are mere anachronisms. The (Jhatwalis should go and the impartible Rajes must go and the families which are governed by customs must give up their customs and follow the law which we, the reformists, are going to lay down for them." I submit that this is an absolutely impossible proposition which the Honourable the Mover wants the Government to take up. No single Committee can possibly do justice to a matter of this kind where we have got to discuss the position of women of every community and who are governed by different sets of laws, one having no bearing on the other. Then, there is another difficulty. What is meant by this reform and in what way this reform should take place? Who are these eight men to say what is reform and what is not reform? My idea of reform may be very different from the idea of reform of the next member of the Committee. We may not be agreed as to what is reform. But what is desirable and what is not desirable has got to be found by the usual procedure, namely, of taking up the matter, coming up before this House, having a discussion and then await the result as to whether what is called reform is accepted or whether that is turned down by the House. And that, Sir, is the course which has been followed. We have so many Bills for amending the law. More than a dozen are pending. There are Bills on divorce and so many other things which I need not recapitulate. Each Bill has got to be discussed on its merits when it comes up before this House. I have no desire to repeat but I think the House will realise that this recommendation, if it is carried out, will leave us in this position, that we shall be unable to take up a task which is impossible of performance, namely, to report what reforms should be made in all branches of law of all communities. That is a task impossible of performance. It is so stupendous that it cannot be done. Apart from its gigantic nature, it will be so difficult to produce a report and even if such a report is forthcoming, it will be impossible for the Government to take up legislation on the lines suggested by the so-called reformists. I do not think I should labour the point further, but I do strongly object to the passing of this Resolution and I beg the House once more to feel that the Government cannot possibly accept this Resolution, because it cannot believe that a Committee can undertake the task which has been tried to be thrown on its shoulders.

Maulana Zafar Ali Khan (East Central Punjab: Mubammadan): Sir, while having every sympathy with the Mover of the Resolution, I am afraid I cannot support it in its present form. The position of the Hindu woman—I am confining my remarks to the Hindu woman because the Mover of the Resolution refers only to the Hindu woman when he speaks of her lot—is this, that she has been prevented from rising to the height of the status given by Providence. She was in bondage while she was a daughter. She was in bondage while she was a wife. She was the slave of her parents, the slave of her husband and the slave of her father-in-law. She had not the right to inherit property from her parents, as explained by the Mover of the Resolution. She cannot enter into a contract as a free agent. These and many other disabilities have been imposed upon the poor Hindu woman from time immemorial. Sir Nripendra Sircar has, in his very humorous speech, already torpedoed the Resolution. If it lay in his power, he would kill it as is the wont of all Governments who never pat any liberal measure on the back. That has been the nature

of the bureaucracy from time immemorial. I am at one with him when he says that the task is stupendous, as stupendous as the conversion of Harijans into Brahmanism, or as the giving to these seven crores of human beings the rights which have been denied to them for seven thousand years. It is a great task. But I do not agree with the view that merely because the task is great and merely because there are many obstacles in the way, nothing should be done. I am also in sympathy with my friend over there when he says that no true Hindu would tolerate these reforms which are advocated by the Mover of the Resolution. So *pat* comes the reply of Sir Nripendra Sircar that there is only one true Hindu here. But I believe that the Mover's contention that something could be done for Hindu women is not an impracticable contention; it is practicable; it can be done. The sympathy of the entire world. . . .

Bhai Parma Nand (West Punjab: Non-Muhammadan): The Resolution is for all women, not Hindu women only.

Maulana Zafar Ali Khan: At the outset, I declared that, while sympathising with the Honourable the Mover in his attitude which he took up with regard to Hindu women, I could not support the Resolution in its present form. I sympathise with him when he said that the lot of Hindu women was hard. Do you think that the Hindu woman is happy? When she is moving in silk and gold, evidently with a smile on her face, do you think she is happy? She is certainly most unhappy.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): No, no. They are very happy. Our women are very happy.

Maulana Zafar Ali Khan: All these hardships which are imposed on the Hindu women—something should be done to remove them. But, so far as the Muslim women are concerned, they are not within the ambit of these remarks, some 1,300 years ago, a change came over the world. . . .

Mr. M. S. Aney (Berar: Non-Muhammadan): She is shut out from the whole world!

Maulana Zafar Ali Khan: Whenever I talk of thirteen hundred years ago, my Honourable friend, Mr. Aney, gets up; whenever I talk of Islam, he gets up. You cannot ignore us. You cannot ignore the blessings that have been showered upon women by Islam.

Bhai Parma Nand: Purdah is one!

Maulana Zafar Ali Khan: She does not need reform. Islam is sufficient for her. We have got the law of Islam for us. But, here, so far as the Hindu women are concerned, my sympathy goes to them; the Hindu woman is also my countrywoman. She is as much entitled to my sympathy as that of my Hindu friends. My heart weeps. . . .

An Honourable Member: The Hindu women are better looked after than Muslim women.

Maulana Zafar Ali Khan: The Honourable the Mover of the Resolution says that you have been treating the Hindu women as chattels.

An Honourable Member: He is absolutely wrong.

Maulana Zafar Ali Khan: Please don't champion the cause of Christian women and Muslim women. Champion the cause of Hindu women only. (Interruption.) So far as Islam is concerned, my case is that Islami has given to women all those rights to which she is entitled by nature. She can inherit property, she can enter into a contract as a free agent, she can divorce her husband if the husband divorces her. She is as much entitled to take her seat on a throne as a man. She, in fact, has nothing what a man has not.

Mr. S. Satyamurti: Yes, she has.

Maulana Zafar Ali Khan: The only difference between a man and a woman is that man being a greater vessel and woman being a weaker vessel, he is given two shares and the woman one. That is the only difference. Otherwise, she is as much entitled to inheritance from her parents as the man. So, you see our *Shariat*, our personal law, our Muslim law, so far as the rights of women are concerned, leaves nothing to be desired. But I admit that in certain parts of the country the benefits that accrued to women from Islam, the rights that should come to her according to Islam, are being denied by certain cruel people. In the Punjab and certain other parts of the country, they say, "We prefer custom to *Shariat*." Then there were certain parts of Bombay Presidency in which a section of the Muslims, who were new converts to Islam from Hinduism, carried with them the same old traditions and they submitted themselves to Hindu law. Lately, however, that law has been abrogated, and cancelled. So far as the Muslim law is concerned, the position of women is quite safe. We might, of course, some day, call upon the Government to see to it that the sanction that ought to be behind law—that sanction should be provided by the administrative machinery. When, for instance, a woman has been by law entitled for so many ages to a one-third share in the inheritance from her parents as against two shares of the son, if obstacles are placed in the way of carrying out that right, the law must step in and see to it that this very useful law of Islam is implemented by the administrative machinery. We may have to do that later on. (Interruption.) I again point out that so far as the position of Muslim women is concerned, Islam has given them everything; they do not require anything. You may want to reform Hinduism. The position of women in Hinduism requires reform, but so far as Islam is concerned, it is a perfect law and does not require any alteration or addition or subtraction. With these words, I oppose the Resolution in its present form.

Babu Baijnath Bajoria: Sir,

An Honourable Member: A true Hindu!

Babu Baijnath Bajoria: I do not deny that I am a true Hindu, and you will hear the views of a true Hindu. (Interruption.) I am not calling anybody else as non-Hindu, but they say I am a true Hindu which I do not deny, rather I assert that I am a true Hindu. I rise to oppose this Resolution.

An Honourable Member: Tooth and nail.

Babu Baijnath Bajoria: There is neither tooth nor nail in this. My Honourable friend, Mr. Hegde, has stated that women are treated like chattels. If I heard him aright, he probably meant this against Hindu women. Am I right, or was it against all women?

Sri K. B. Janaraja Hegde: All women.

Babu Baijnath Bajoria: Against all women? Very well. As regards the position of women in Hindu society, I may inform the House that we Hindus call our women *Grihalakshmi*, meaning the goddess of the home.

An Honourable Member: *Grihini*.

Babu Baijnath Bajoria: That is wife when she is called by the husband, but as regards mothers, sisters, daughters, we call them *grihalakshmis*, that is, goddess of the house. No better respect can be paid to a woman than what is being paid by a Hindu.

An Honourable Member: What do you call a sweeper?

Babu Baijnath Bajoria: I will ignore these interruptions, because they have got nothing to do with the Resolution under discussion. So, I must contradict this notion which any Member of this House may have, that we Hindus do not treat our women in the manner in which they should be treated, and affirm that we do everything that is possible for her. It is said that women have got no absolute right of inheritance but there are other things which make up for that. If the Hindu women have got lesser rights than men, they have got no obligations to perform. My friends know this and still they would not mention it in the debate. The Hindu woman has no debt to pay. It is the son and not the daughters that pay the debt of the father. If the women have no debts to pay, then they cannot expect to get a share in the property. A couple of years ago, in this very House, we passed Dr. Deshmukh's Bill giving right of partition to widows to meet hard cases where she was not getting her maintenance. I strongly objected to the Bill as introduced, because that Bill wanted to give right to mother, sisters and daughters equally with the sons, which was an absurd proposition, which the Mover himself realised at a later stage. As regards the rights of widows I supported it. If the woman has got to get her right, she must also meet the obligations. At the present moment she does not pay for the family expenses. It is the man who earns and he has not only to maintain himself but he has to maintain her and the children.

An Honourable Member: If he dies?

Babu Baijnath Bajoria: Even if he dies, the woman does not earn, because for a true Hindu, the woman has to look after the House. We will think it beneath our dignity for women to go to workshops and mills to work. Mrs. Subbarayan may laugh at this proposition but if she thinks that it is better that women should go and work as coolies in the mills, then they are not enhancing their prestige. It is only on account of chill penury and the fact that the man cannot earn sufficient to make both ends meet that she has

[Babu Baijnath Bajoria.]

to go out and earn in order to meet some portion of the family expenditure. But, after all, the obligation of meeting the family expenses rests on the man. Then there are other numerous expenses, e.g., the marriage of sons and daughters. The woman has got nothing to do with the expenses incurred for these. Then, Sir, according to our Hindu *shastras*, a woman should not be independent throughout her whole life. She must be dependent on her father during her childhood. She must be dependent on her husband during her youth and if by chance her husband dies before her, she must be dependent on the sons.

An Honourable Member: If she has no son?

Babu Baijnath Bajoria: Then she will be dependent on the other male relatives of her husband's family. I am glad that my friend has become so woman-minded that he is even prepared to give up his rights in favour of women. I would like now to deal with the different items mentioned in this Resolution. As regards ownership and disposal of property, I have already said that she cannot and should not get absolute right of ownership. In the present state of illiteracy, she will be robbed of her property by other men, because she is generally very simple. About rights of guardianship, I do not know what is meant. Is it meant that women alone should be the guardian of children? As far as I know, when the father dies, it is the mother who becomes the guardian *ipso facto*. I do not know by what name it is called. I am not a lawyer. She becomes the natural guardian of the children. Now, about rights of maintenance, she has already got full rights. What happens now? If a man earns, the wife and the children are maintained first and the expenses for the wife are much more than for himself. Here, I have a shawl which I bought twelve years ago and I am still using it, whereas my wife wants one new dress every month. I have got a wrist watch worth Rs. 30, whereas my wife must have ornaments worth Rs. 30,000 or more than that. As regards maintenance, I would rather plead on behalf of the men, that they should get more than what the woman gets and the expenses should be more evenly divided between man and woman.

Sir, as regards the joint-family property and inheritance, I think this can go together with Item (a) about property, and I will not detain the House any further about that. Now, I shall come to marital rights. Sir, I do not know what is meant by "marital rights". Is it meant that if the husband wants to go to England or wants to come to the Assembly, the wife will say, "no, you cannot go there, I must have my marital rights, and you must stay with me."? Sir, I do not understand what is meant by "marital rights". Therefore, in my opinion, this Resolution is absolutely unnecessary and I strongly oppose it. Now that the time is up, I sit down.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 16th February, 1939.

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